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THE NEW REPUBLIC

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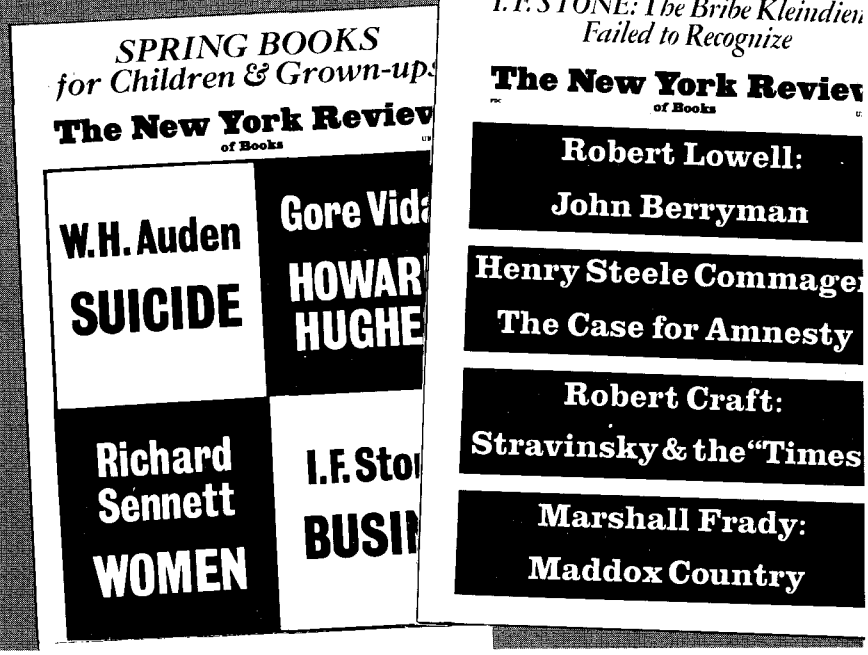

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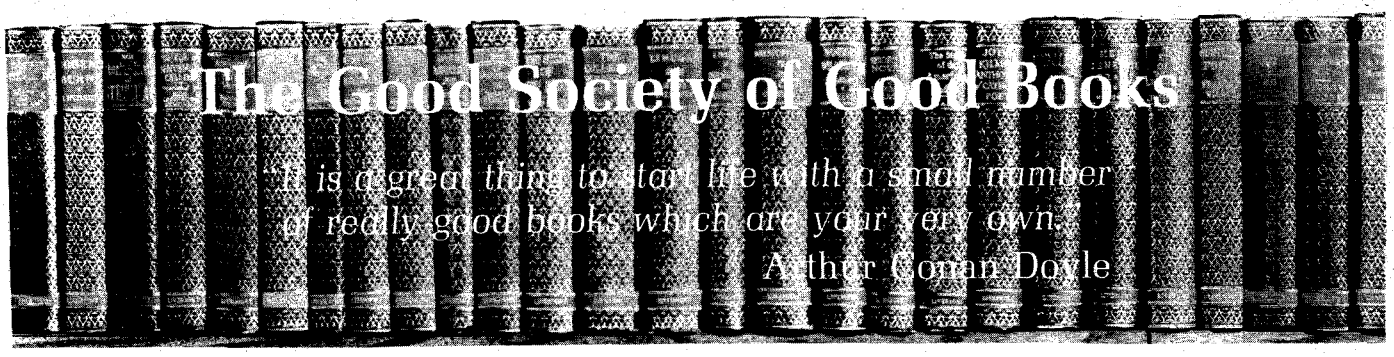
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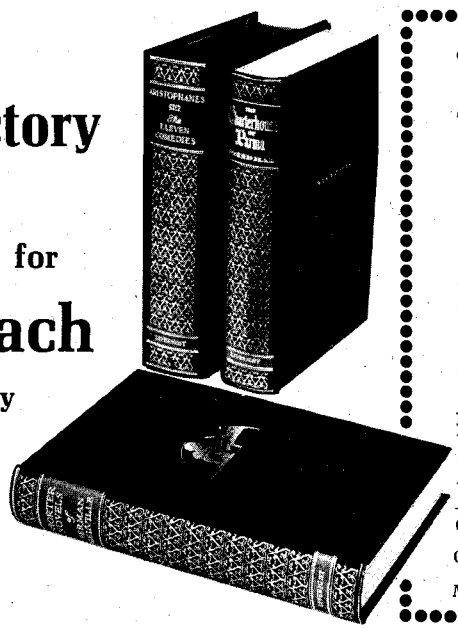

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from Washington ®
June 17, 1972

A Choice Not an Echo

A Nixon-McGovern contest, if it comes to that, will be one of the most incongruous in American history. Few men could be more unalike. Mr. Nixon is watchful and remote, McGovern direct and open. The former distrusts youth; the latter relies on it. They do not see things alike at all. For the President, national honor is continuing in Vietnam, for the senator it is getting out. Essentially the President wants to bolster the American status quo while the senator wants to give it a big shake.

Mr. Nixon, we think, deserves well of America, uncomfortable though we find that admission in some ways. Sooner or later, somebody had to break the ice with Peking and with Moscow and Mr. Nixon did it, and also started direct negotiation on arms cuts. It is a splendid service, we think, and it took a lifelong professional Communist-hater like Mr. Nixon to do it. The screams coming from some of the "betrayed" right-wing organizations indicate the problem. What a tizzy they would have been in if Hubert Humphrey had been elected in 1968 and tried to go to Moscow! And who would have led the denunciation? Why, presumably, Richard Nixon. Since the task had to be done he has been the right man, in many ways, to do it.

So now will an ungrateful nation reject Mr. Nixon for a second term? It will be a fascinating campaign to watch, particularly if George McGovern, the minister's son from South Dakota and bomber pilot, World War II, with Distinguished Flying Service Cross, is the Democratic nominee. The press is having a love affair with McGovern momentarily, but we don't think it will last; it is trying to make amends for having underrated the senator for so long. Also it's taking advantage of having a fresh face and a new personality to exploit.

The press is pointing out what is true, that some of McGovern's arithmetic doesn't add up. A process of collation and consolidation is going on and McGovern needs a Walter Heller. But there is no doubt, we think, of his essential purpose. There is as deep a gap between him and Mr. Nixon on economic matters as between FDR and Herbert Hoover.

Actually, in many ways, McGovern is an accidental candidate. He doesn't fit into the normal pattern. The normal candidate is the compromiser who can assume the bland, middle position required under the two-party system where each of the rival coalitions jockeys for the vital center. The system always irritates ideologues and idealists. Why can't we divide sharply between conservatives and liberals and fight it out? they demand. Well, Barry Goldwater tried that out on the conservative side, and see what happened to him. The two-party system blunts ideological frenzy, or that is the theory, anyway. The "normal" candidate, under the system, would have been Edmund Muskie and he seemed to have the nomination in hand till he blew it, that snowy day in New Hampshire. The primary system is often ridiculed; it is a cruel business; it is an ordeal by publicity, but it winnows people out. It eliminated George Romney in 1968, and it pretty much eliminated Muskie this year. Curiously enough the calm, low-keyed, decent-looking McGovern survived.

McGovern has one big asset: he doesn't look like a run-of-the-mine politician or like any other politician you ever saw before. You may not agree with him but you feel that he is sincere, which he is. Whether this is a lasting asset for a candidate remains to be seen. He is not very eloquent; his delivery is rather dry. He does have a sense of moral outrage. He has taken positions on a lot of matters which are probably impolitic—that the federal government should not get involved in the abortion issue, that penalties for marijuana are often too harsh, that after the war there should be an amnesty for draft resisters. Former attorney general John Mitchell, who will run Mr. Nixon's campaign, is rubbing his hands gloatingly. What a chance this will be for Spiro Agnew, he reflects, or maybe for John Connally if Mr. Nixon makes the switch.

But the big things that anger McGovern aren't these but the failures, as he sees them, of the American social order. Why is it that the average man can't seem to make his voice heard in Washington? Why doesn't somebody correct the increasingly regressive tax system? Why is welfare left, for all the talk, in such an appalling mess?

McGovern has answers for these problems, such things as a "minimum income grant," which we are all probably going to be writing about shortly. It amounts to wholesale reform of the tax structure which would result in a redistribution of income. Mr. McGovern discusses these items so mildly and casually that they do not seem radical. But make no doubt of it, in the deeper meaning of the word, they are.

The question—perhaps the basic question of 1972—is whether a tide is running; whether the country has reached such a state of cynicism about things as they are, and the rules of an establishment that it will take a bold step in a new direction.

"Radical?" says McGovern disarmingly. "Let me say I come from the state of South Dakota where there are two-to-one Republican odds against me. I have been elected four times in that state. Ordinarily we don't send wild-eyed radicals to the US Senate from South Dakota."

Yes, he agrees mildly, the proposals to cut the defense budget, to end the Vietnam war, to reduce the loopholes in the tax law and give the middle class and the poor a better deal, "While they do represent a break with the past, I think that is what the American people want."

Does a man with these notions have a chance of election against an entrenched White House incumbent? Who knows? With unemployment almost as high as ever, with prices still rising, with 25 percent of plant capacity unused, with a deep loathing for the war, Mr. Nixon may have difficulties. Another thing to remember is that nobody really loves Mr. Nixon a whole lot; people may admire him, and certainly the banking and business interests are going to give him the biggest campaign support ever if George McGovern gets the nod, but in terms of personal popularity, whatever the opposite of charisma is, Mr. Nixon has tons of it.

One thing more should be said. If George McGovern is nominated and elected this will be one of those rare "critical" elections. They come at different intervals, about 28 or 36 years apart, and one is long overdue—the last was FDR in 1932. McGovern believes what he says and his views mark a new direction. If the public is in the mood to elect him it almost certainly means a political realignment.

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Contents

5-9 Comment
General LeMay Flies Again, Kleindienst
Postscript, The Character Bar
10 The Nixon Watch: Selling the Summit—*John Osborne*
11 '72 Campaign
13 Preview of Miami—*Paul R. Wieck*
15 How Bad Is VAT: Ifs, Ands, and Buts of the Value-Added Tax—*Melville J. Ulmer*
17 The B-1 Ballyhoo—*Peter J. Ognibene*
20 Taxes and Schools—*Jerome Zukosky*
24 Films—*Stanley Kauffmann*
25 Television—*Crawford Woods*
26 Books—Reviews by *Arthur Mizener, Doris Grumbach*
30 Poem—*Reed Whittemore*
32 Correspondence

The Staff

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General LeMay Flies Again

The Commander in Chief is borrowing and blending two strategies in Vietnam. The first was pressed upon him by popular demand: American casualties must be radically reduced. He therefore partly accepted the view, long propounded by Walter Lippmann and others, that the United States should not fight a land war in Asia. For in any such war, Asians would be better prepared than we to sustain more casualties for a longer period of time, and could survive to fight another day. Mr. Lippmann did not mean, of course, the United States should supervise and subsidize wars fought by Asians themselves, and that is where he and the President parted company. Mr. Nixon bought only a portion of his critics' argument. The portion he bought he titled Vietnamization. Vietnamization called for changing the color of the casualties; our Asians would do the battling and most of the dying; we would provide logistical support from the air and sea and supply our allies with whatever they needed to defeat the foe. A schedule for US troop withdrawals was set up and is being followed, although at the end of last month our forces in Vietnam still totaled 64,800, with thousands more standing active duty on the periphery.

To compensate for these ground withdrawals, the Commander in Chief borrowed from his hawkish critics, notably, the almost forgotten General Curtis E. LeMay, vice presidential candidate of George Wallace's American Independent Party in 1968, chief of staff of the air force from 1961 to his retirement in 1965, and before that head of the Strategic Air Command. Nixon didn't borrow the general's bombast; he did not threaten to bomb North Vietnam back into the Stone Age. But as the news of past weeks demonstrates, the President did, in desperation, adopt the fundamentals of LeMayism. "We must be willing to continue our bombing," General LeMay had advised, "until we have destroyed every work of man in North Vietnam if this is what it takes to win the war." On *Meet the Press*, October 13, 1968, LeMay was more explicit. Asked whether he recommended "closing the port of Haiphong and bombing military targets in heavy population centers," he answered: "Yes. Now I know some of you will be up in arms. 'Why do you want to bomb innocent civilians?' The reason that these military targets are in the populated areas is because we have said we will not hit them there. I think we can use the same principle we used in World War II: warning the civilians to get out of

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the areas and then hit the targets, and if they find out we mean business, they will no longer put them in populated areas."

The President hasn't gone all the way with LeMay. The dikes have not been hit. The North has not been flooded, thus there is no mass starvation, though the President has not ruled out that possibility. Nuclear weapons have not been used. But the air force has been turned loose, as General LeMay recommended. According to Pentagon spokesman Brig. General Daniel James, Jr., our fliers are now free to hit "any targets that we deem contribute to or support his [North Vietnam's] effort to wage war in the South." *The Washington Post* reporter who quotes Gen. James writes that the Pentagon acknowledges that US commanders now have "more flexibility and fewer restrictions on hitting enemy targets—military as well as industrial targets supporting the military—than was the case during the 1967-68 period." One hundred sixty B-52 bombers are committed to the air war, each carrying 60,000 pounds of high explosives. Forty additional B-52's have been put on alert. Five thousand US service men have just been sent to Thailand as part of the air force build-up. The Pentagon is preparing to reopen a seventh air base in that country, at Nam Phong, because "there is just getting to be so many planes there in Thailand, there's no place to park them," an American officer explains. We have approximately 1000 bomber and fighter planes in Southeast Asia, dropping 500-, 2000- and 3000-pound "smart bombs," guided to their targets by laser beams and TV cameras mounted in the nose of the aircraft and permitting the placing of bombs to within five feet of the targets. LeMay's recommendation that Haiphong be mined has been followed. In addition, the US is daily shelling or bombing truck convoys, bridges, missile sites, boats, docks, rail lines, power plants, highways, troop concentrations, petroleum storage areas, cement plants, warehouses, barracks, barges, bulldozers—and an occasional, accidental school or hospital. In sum, a technological triumph. "Any time the wind is blowing from the north, where the B-52 strikes are turning the terrain into a moonscape, you can tell from the battlefield stench that the strikes are effective," in the opinion of John Paul Vann, the American civilian directing the war in the central highlands.

The "enemy" in Vietnam is fighting for his country, against the Americans and against the allies of the Americans, as he earlier fought the Japanese and French. Nothing but dedication to that goal and to a new social system for Vietnam can explain the endurance of these people or their high morale against overwhelmingly unfavorable military odds. These are the Vietnamese for whom our leaders have no words but marauder, aggressor, bandit, invader, terrorist, Communist. "The enemy" must never be allowed to think, the White House warns, that he will be allowed to get away with this patriotic folly; we shall overcome, though it may require extra effort. The extra effort the US is making, Mr. Laird told the Congress last week, is costing $1.5 billion every three months above that budgeted for the war. An additional $5 billion will be needed if the fighting keeps up at this rate through the end of this year. And might it "go on for four or five years now with varying degrees of intensity?" he was asked. "Yes," Mr. Laird replied. But the enemy can stop the slaughter at any time, if he "accepts our peace proposal." That has always been true.

What are we offered as the rationale for this policy of smashing the North and sealing it off? There is one interpretation of the President's maneuvers which is gaining acceptance, but which is not wholly convincing. It is that he is concerned primarily with saving face; that if Hanoi would give him anything he could package as a nonvictory for "the enemy," he would take it, even if he thought an interim agreement would not survive, and that in a year or two Hanoi would steal its way into power in Saigon. Perhaps we find the interpretation too subtle to be true, or perhaps it fails to persuade because it does not square with what Mr. Nixon says or does. At any rate, that interpretation will be tested between now and the November elections. Our reading of the general line of Mr. Nixon's thought is that it has been consistent throughout. "This war," he said on October 27, 1967, "is about the United States, about peace and freedom in the world [and involves] vital strategic interests." That was the view of many officials in the Johnson and Kennedy administrations, and of senators and representatives who have since given it up. But has Mr. Nixon? On the ninth of last month, he again said that "abandoning our commitment in Vietnam here and now would mean turning 17 million South Vietnamese over to Communist tyranny and terror . . . encourage this kind of aggression all over the world. . . . World peace would be in grave jeopardy. . . . By simply getting out we would only worsen the bloodshed. . . . Hanoi must be denied the weapons and supplies it needs to continue the aggression." The new escalation of the war, North and South, from the sea and air, does not jibe with the image of a President who is having second thoughts about fighting for victory in Vietnam, or who is looking for a way to camouflage disengagement. The governing impulse in the White House is more akin to Gen. LeMay's: "The Communists started this war. Let them wish they never had."

To what purpose? That is the worm in the apple. For contrary to Mr. Nixon's and Mr. Laird's conviction, US "vital strategic interests" are not on the line in Indochina and never were, and if "peace and freedom in the world" were the President's lodestar, we would be flying a different course. That should be plain by now to a majority of the Congress and the country. But the majority seems paralyzed. The well of indignation has been pumped dry. Each horror accustoms us to the next, until feelings are numbed and voices silenced.

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Kleindienst Postscript

As we go to press, the Senate is readying itself to confirm Richard G. Kleindienst as attorney general of the United States. We wish him well. He may rise to the demands of his office and show a scrupulous impartiality in the administration of justice. But the occasion of his elevation should not pass without a review, for the record, of his conduct in the briefly noted and quickly eclipsed case of Harry Day Steward, US attorney for the southern district of California.

Two years ago, Steward blocked service of a federal grand jury subpoena for Frank Thornton, a San Diego advertising executive implicated in a scheme to channel illegal cash donations to political campaigns. Thornton, who was the San Diego chairman of the 1968 Nixon campaign, is Steward's close personal friend and was instrumental in Nixon's appointment of him as US attorney in October of 1969. Shortly after he quashed the subpoena, Steward ordered a halt to an Internal Revenue Service examination of the books and records of Thornton's ad agency, and told Thornton the agency did not have to produce copies of documents that IRS had requested. The agency is controlled by C. Arnholt Smith, a powerful citizen of San Diego and an old friend and financial ally of Nixon.

On December 2, 1970, at the insistence of Michael DeFeo, then a lawyer with the Justice Department's Organized Crime Strike Force in Los Angeles and one of those who sought Thornton's appearance before the federal grand jury, Steward's conduct became the subject of an administrative inquiry by the FBI. On Feb. 17, 1971, Kleindienst stated that he had "evaluated the matter and determined there has been no wrongdoing."

There the matter rested until last March, when *Life* magazine published a detailed account of Steward's acts. Prodded by John Tunney (D, Calif.) and Edward Kennedy (D, Mass.), the Senate Judiciary Committee thereupon agreed to expand its hearing on Kleindienst's nomination to include the propriety of Kleindienst's clearance of Steward.

The Republican members of the committee, along with chairman James Eastland (D, Miss.), didn't want to open this can of worms. Everything was rigged to shield Kleindienst. Only three witnesses were heard —Steward, Kleindienst and Henry Petersen, assistant attorney general in charge of the Justice Department's criminal division and deputy assistant in the division at the time Steward was investigated. They were invited to explain a set of circumstances never presented to the committee and not, to this day, part of the hearing record. The committee was reduced to accepting only the Justice Department's rebuttal to charges not in evidence.

In a series of roll call votes in executive sessions, a majority of the committee refused to hear the key witnesses with information bearing directly on these charges. The committee subpoenaed a former IRS special agent and a former special assistant US attorney, flew them back to Washington from San Diego, then refused to let them testify. It would not permit appropriate documents from the Justice Department to be made available to its members. The department furnished Steward's FBI file to Eastland, but the chairman wouldn't allow other members of the committee to look at it.

One of the most incredible aspects of the affair is the evidence disclosing Steward's aspirations to the federal bench as the primary motivation for his zealous protection of Thornton. In a sworn affidavit given to the FBI, former IRS special agent David Stutz, who worked with the strike force, said Steward told him, DeFeo, and Richard Huffman, special assistant US attorney attached to the strike force, that Thornton was expected to help Steward get a federal judgeship. According to Stutz, Steward said this by way of explaining his opposition to the Thornton subpoena. Henry Petersen, who supervised the investigation of Steward at Kleindienst's request, testified that Steward did indeed make that statement to the three federal officers. "Now, whether or not the candor was discreet, nonetheless it was very candid," Petersen observed. "He [Steward] thought he was talking to associates. He thought he was talking to people who were understanding. They were not understanding, quite frankly."

During the confirmation hearings, Senator Tunney asked Kleindienst whether it was a crime if Steward had in fact prevented the service of a subpoena because he hoped Frank Thornton was going to be able to help get him a judicial appointment. "Boy, if it wasn't a crime it would come so close to it it wouldn't be funny," Kleindienst replied. Earlier, Kleindienst had said that intervention for such a purpose "would have been illegal conduct and it would have been grounds for at least his [Steward's] dismissal."

And what did Mr. Steward have to say for himself? He told the committee that the prospect of publicity which may have resulted from Thornton's being called before the grand jury was one of two reasons he stepped in. Was it? In the weeks immediately preceding the federal grand jury's issuance of the nondelivered Thornton subpoena—Feb. 5, 1970—a parade of city, county and state officeholders had been summoned before the grand jury. Steward found nothing objectionable about the potential in all this for publicity, until he learned the trail had finally led to his old friend and sponsor. "I told [DeFeo and Huffman] that I knew and so did everybody else in San Diego that Frank Thornton was a campaign manager for probably every major Republican political candidate for the last 20 or 30 years," Steward explained. "It was my judgment that it would be inappropriate and improper to call him in the circus atmosphere that existed publicity-wise in San Diego. I said that instead of subpoenaing him I will go over and talk to him and take a look at

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what he has got to say, whether or not it is necessary for him to be subpoenaed before this grand jury. The last thing you want is publicity in this sort of a field."

The second reason Steward gave for preventing Thornton's appearance before the grand jury was equally interesting: "I had become very close to Frank Thornton through the years." That is what he told the committee and that is the reason he gave on Feb. 5, 1970 to two Justice Department lawyers and an IRS agent, when he confounded them by declaring he would privately interview a prospective defendant. He said nothing then about publicity.

In March, 1970, Steward telephoned Stutz, who was conducting the IRS investigation independent of the grand jury, to tell him to stay away from Thornton's ad agency and that he had advised Thornton it wasn't necessary to produce records Stutz asked for. Stutz complained about this at the time to DeFeo, Huffman and the IRS intelligence chief in Los Angeles. Had they, as well as the agent himself, been called by the Senate committee, the official record would be more complete than it is.

Steward, like Kleindienst, had memory trouble. He couldn't remember what Thornton told him during their private session, from which Steward came away convinced there was no need for his friend to go before the grand jury. "I can't remember what he told me," he informed the Senate committee. "To me it was not a particularly significant thing, whatever it was. I could have made the decision without looking at anything that Thornton had or talking to Thornton at all and, frankly, I wish now I had done it that way."

On Feb. 17, 1971, Kleindienst issued a three-paragraph press release in response to rumors in San Diego about the investigation of Steward. It began: "At the request of US attorney Harry Steward of San Diego, the FBI was directed to investigate allegations which have been raised about the conduct of his office."

That was a lie, and Petersen, Steward and Kleindienst all agreed in their committee testimony it was a lie. When asked if Steward initiated the investigation, Petersen said, "Absolutely not. The original recommendation with respect to the administrative inquiry came from the Criminal Division." Following this recommendation, Steward was summoned to Washington and met privately with Kleindienst on Nov. 17, 1970. During his appearance before the committee, Steward recalled the meeting and recounted this exchange: "He [Kleindienst] then told me that this matter would be referred to the Federal Bureau of Investigation for administrative inquiry and I said, 'Fine. I will welcome the inquiry.' "

Kleindienst's version of that meeting is the same.

The press release from the then deputy attorney general continued: "These charges were exhaustively investigated by the Bureau and a report was made to the Department. I have evaluated the matter and determined there has been no wrongdoing."

That was a lie, as Petersen, Steward and Kleindienst later acknowledged in their testimony. In the first place, the press release clearly implied that Kleindienst was familiar with the facts of the case as contained in the FBI report. But under questioning by Tunney, he admitted he had never seen the FBI report. Why? "I just don't have the time." But as deputy attorney general, it was Kleindienst's special duty to select prospective nominees for the position of US attorney, to monitor the work of those appointed, and it was his responsibility—*and his alone*—to conduct any administrative inquiry into their operations and to carry out disciplinary action if need be. Kleindienst noted in his testimony that Steward was the only US attorney in the Nixon administration to become the subject of an administrative inquiry; he termed it "a very unusual procedure." Petersen, who has been in the Justice Department 25 years, could think of only one assistant US attorney who was asked to resign and one who was prosecuted.

Still, Kleindienst, although he had the full responsibility by virtue of his position to act as "judge" in the case, never looked at the file.

Three months later, on the day Kleindienst issued his press release absolving Steward of any wrongdoing, Petersen briefed him on a Criminal Division summary of the FBI report. The summary's conclusion, with which Petersen agreed, was that Steward's conduct was "highly improper." According to Petersen, Kleindienst "remarked about the seriousness of the matter and indicated agreement that Steward's conduct was not in conformity with Department of Justice standards."

"Did he [Steward] do something wrong?" Senator Kennedy asked Petersen.

"He did something wrong, Senator, yes."

"In your conversations with Mr. Kleindienst, did he indicate to you that he believed that what you did was wrong?" Kennedy asked Steward.

"Yes, he did."

The third paragraph of the Kleindienst February 17, 1971 press release said: "The Department considers the matter closed and Mr. Steward will continue to serve as US attorney for the Southern District of California with the full confidence of the Attorney General."

"Would it have been possible to just issue a press release that said he [Steward] will continue as US attorney?" Senator Kennedy asked.

"I think it is possible, Senator," Petersen replied. "I don't think it would have done the trick. It would be indicative that we should have taken more stringent action."

Finally, Kleindienst testified that he strongly admonished Steward at a US attorneys' meeting in Phoenix in the latter part of February, 1971, that Steward now understood he used "poor judgment," and that he (Kleindienst) was satisfied such a thing was

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not likely to recur. That testimony came nine days after Steward told the committee he didn't remember whether he talked to Kleindienst at the Phoenix meeting and, if he did, whether Kleindienst mentioned the Thornton episode to him.

The Character Bar

A special committee of the American Bar Association has come up with a plan to raise the "standards of ethics and discipline" in the legal profession, and at the same time cut back the number of people seeking to be lawyers. The committee's report, which has been approved "in principle" by the ABA's section of legal education, was sent to deans of all ABA-approved law schools last April for comment. The president of the ABA attached a memo explaining that, "In all candor, I should tell you that grave concern has been expressed to me by judges, leaders of the organized bar, and citizens in general over the serious misconduct of some members of the legal profession." He went on to say that "the public is rightfully expecting" improvement of legal standards, and that people were asking "whether the law schools could provide greater assistance" in selecting out the bad characters.

In essence, the report recommended that law schools should require that all entering first-year students fill out a "questionnaire or test" that would be used later to help judge whether they are ethically fit to become lawyers. The American Conference of Bar Examiners, cooperating with the ABA, would develop a standard, national questionnaire including the basic character inquiries used by the states. The schools would file the answers without analyzing them, and turn them over to state authorities with all the other information in a student's file when he applied to be admitted to the bar. The area in which the report is most vague, and the committee chairman most evasive, is in specifying what these tests are supposed to uncover.

Peter Holme, Jr., the Denver attorney who chaired the ABA committee that wrote the report, said the proposal isn't as "radical" as some people call it; it's just a suggestion that character tests used by the states be standardized and applied nationally. The scheme, he believes, would make law students focus on character qualifications early in their career, and possibly save some of them with weak records from wasting three years in school. Though neither the ABA nor the bar examiners can cite the number of law students refused by the bar each year for ethical reasons, the dean of Yale's law school believes it's "minuscule."

Mr. Holme won't speculate about the sort of questions the test would ask, but he thinks it would call for more than the usual *curriculum vitae* and arrest record. The final version of the questionnaire may be written by the Conference of Bar Examiners, which has a draft proposal under consideration now. A spokesman for the bar examiners said he'd rather not talk about the questionnaire until it has been approved by vote, but he indicated it wouldn't ask questions of opinion.

Besides proposing a questionnaire for law students, the committee suggested that the ABA "encourage research studies to determine whether character traits can be usefully tested prior to application for admission to the bar. . . ." The purpose would be to find out whether other professions have been able to "identify those significant elements of character that may predictably give rise to misconduct," and to launch a "hindsight study of selected cases of proven dereliction" that would help isolate the traits of "potential character risks."

Predicting behavior is a risky enterprise under any circumstances, and so far the committee report has found few advocates in the legal profession. The deans of about 10 law schools, including Harvard, Yale, Columbia and Stanford, have spoken against it, as have the Association of American Law Schools and the ABA's own law school section. The ABA has no intention right now of passing this proposal any further up the chain of command, though the authoring committee could revive it sometime next year if it were willing to do battle. Probably the report will disappear without much ado.

It's surprising that a plan to predict character traits went unchallenged in the ABA for as long as it did, but the pressures that drove the committee to adopt its position are understandable. The report openly discussed the committee's concern that the sheer volume of new lawyers entering the practice will lower ethical standards and make it impossible to weed out the incompetent and dishonest. The report estimated that in 1971 there were approximately 80,000 applicants for the 36,000 openings in the nation's law schools, and that in 1972 there will be about 100,000 applicants. According to other statistics, the number of law students and newly admitted lawyers in 1970 was equal to nearly one-third of all the lawyers then practicing in the country (355,000). At the same time, the number of lawyers publicly disciplined each year has risen from 216 in 1965 to more than 300 in 1971. Following an internal review two years ago, the ABA decided to set up a central file listing every lawyer who's been publicly disciplined since 1965.

The Holme committee hoped to convince the law schools they should lend a hand in this effort, but the enthusiasm for reform went too far and has made the schools more leery than before of criticism from the outside. As the Association of American Law Schools put it, even if a usable test could be developed, "it is hard to imagine that either the law schools or the bar would actually tell a person that, though he had done nothing wrong yet, he was likely to do so and thus should avoid the strains and temptations of the bar."

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The Nixon Watch

Selling the Summit

The President was very tired when he ended his Moscow journey with a 10-hour flight from Warsaw, a helicopter jump from Andrews Air Force Base to Capitol Hill, and a televised address to Congress. Steady rain spoiled the rest in the sun that he hoped to get during four days at his Florida home on Key Biscayne. His assistants sensed when he returned to the White House that he still needed calm and time to collect himself for the burst of domestic activity that usually follows his foreign spectaculars and for the quieter job of seeing the defensive ABM treaty and the parallel agreement to limit US and Soviet offensive nuclear arms through Congress.

It appeared during the first week back in Washington that the difficulties with the treaty and agreement would be minimal. Senator Henry M. Jackson did the administration a large favor with his premature complaints of "secret understandings" reached in a "comic opera" atmosphere in Moscow and his hurried charge that the clear advantage in numbers of missile launchers and nuclear submarines allowed the Soviet Union critically endangered US security. Sharp rebukes administered to Jackson on the Senate floor by Mike Mansfield, the Democratic majority leader, and John Sherman Cooper, a respected Kentucky Republican, for attacking the summit results before the treaty and agreement had been submitted to Congress and fully explained, exposed the weakness of the prospective opposition. They also pointed up the strength of the feeling that agreement between the two chief nuclear powers to put some limits on their nuclear armaments, with a joint undertaking to negotiate extension of the first limitations to uncovered weapons and delivery systems, is a great achievement that ought to be obstructed only for the most serious and compelling reasons.

The flabby response to Senator Jackson's talk about "secret understandings" was all the more significant because the President's spokesmen in the Soviet Union, principally Henry Kissinger, had invited precisely that complaint with the only bobble in their initial explanations of the treaty and agreement. Kissinger unaccountably neglected to say on the record, during four expositions of the President's purposes and accomplishments in Moscow, that the written treaty and agreement were supplemented by stipulations which Mr. Nixon made orally to Leonid Brezhnev and Brezhnev made to the President during their discussions. In a huddle with a few reporters after one of his recorded press conferences had ended, Kissinger acknowledged that there were such stipulations and identified one of them. It had to do with the possibility that either the USSR or the US would develop mobile landbased intercontinental launchers, which neither now has, and with them frustrate the satellite detection systems upon which both governments agreed to rely to keep count of each other's nuclear installations. Kissinger said that the President told Brezhnev, and that Brezhnev said he understood, that the US would abrogate the treaty and agreement if it caught the Soviet Union developing mobile land launchers. Mr. Nixon promised before he returned to Washington that summaries of the oral stipulations would be put in writing and submitted to the Senate and House along with the formal documents, and it was upon this promise that Mansfield and Cooper relied when they told Jackson that he was yapping through his hat when he tried to alarm the Senate with his suspicions.

In addition to the aura of acceptance that the President's staff lobbyists detected in Congress, the attitude of one particular senator figured in the assurances conveyed to Mr. Nixon that he can expect easy Senate ratification of the ABM treaty and House-Senate concurrence, invited by him though not legally required, with the executive agreement to limit offensive arms. The Senator in question is J. William Fulbright, the chairman of the Senate Foreign Relations Committee. Fulbright, embittered by many White House slights and disgusted with Nixon's Vietnam policy, has had few occasions in recent years to support Nixon foreign policy measures with the skill and enthusiasm that he brings to causes he believes in. The word reaching the White House from Senator Fulbright's office is that he is "very, very pleased" with the Moscow results and that he will gladly lead the floor fight for treaty ratification. Fulbright would be less than human, however, if he didn't at least go through the motions of demanding that Henry Kissinger doff his cloak of executive privilege and testify for the treaty and agreement at the committee hearings. After Kissinger's four public appearances before the Nixon press party in the Soviet Union, and with his delayed journey of diplomatic assuagement to Japan in progress while the hearings are being prepared, the President could find it more difficult than it has been in the past to argue that his staff adviser on foreign policy is exempt from formal Senate interrogation. Kissinger said before he left for Japan that he didn't intend to testify, but the expansion of his role as the President's apologist and spokesman has made the continuing claim of executive privacy rather silly.

Some observers of the first arguments for the Moscow arms agreements presented to Congress by the President, Defense Secretary Melvin Laird and Admiral Thomas H. Moorer, chairman of the joint chiefs of staff, thought they spotted an important difference between Mr. Nixon and the Pentagon spokesmen. The President said in his address that he will do everything necessary to sustain US strength and protect US security during the coming period of negotiated nuclear restraint. Laird and Moorer seemed to go beyond this

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when they told Senate and House subcommittees that the treaty and agreement are acceptable to the defense establishment only if Congress votes requested increases amounting to about $1.8 billion in the pending budget, in appropriations for an advanced strategic bomber, a new generation of nuclear submarines, and development of the multiple targeted warheads and other technological improvements upon which the President depends to maintain effective (though not numerical) parity with the Soviet Union. The difference was illusory. Kissinger, speaking for the President, referred to the same projects when he said in the Soviet Union that "we will have to continue major programs in those fields in which negotiations are still going forward and in which agreement has not been achieved, because if these negotiations prove anything, it is that it was our unwillingness to disarm unilaterally that has made it possible to get this bilateral agreement."

Buried in this argument was one of the many subordinate features of the Moscow accomplishments that make them true marvels of political skill. No detraction from the President's Moscow success is intended when I note that the performance is tailored to his political needs in this election year. If the argument that the US can bargain safely and effectively with the Soviet Union for nuclear restraint only if it has ample nuclear and other armed might to bargain away is sound, what happens to Senator McGovern's proposal to cut defense appropriations by some $30 billion by 1975? The President has made it hard for McGovern and other advocates of drastic defense reduction to applaud the results of bargaining based, in the official view, upon strength that the cuts would reduce or abolish. Brezhnev and his fellows in the Soviet leadership are invited to Washington—after the 1972 elections. The next phase of strategic arms limitation, the phase intended to level out the Soviet advantage in offensive weapons, is set for negotiation next fall, when the presidential campaign is on. The commission and consultative bodies established to carry forward US-Soviet trade negotiations, the preliminaries to force reductions in Europe, and a European security conference, are scheduled to get down to serious work and show some results in the same period. All hands are cautioned to wait awhile, conceivably until September or October, for the effects (if any) of the Moscow talks upon negotiations to end the Vietnam war. And there is the Texas Nixocrat, outgoing Treasury Secretary John Connally, sent off to Latin America, Southeast Asia and Europe in a presidential plane to exalt and explain the Moscow achievements, among other things, and get home the day before the Democratic convention opens in Miami Beach. Weary Mr. Nixon, girding himself for the months ahead, has arranged to have a great deal going for him.

John Osborne

End of the Line

All California seems perched on a fault, and when the earth shakes no one can be sure where or how far the reverberations will travel. The state has 5,134,178 registered Democrats, 3,398,716 registered Republicans, 436,702 who decline to be identified, an earlier traditional progressive Republicanism, a conservative Republican governor, two unconservative US senators, and in 1968 it went for Nixon. It's unsafe to predict how Californians will react. "Soul brothers and sisters, I've been with you, I've never let you down, and you know it," Hubert Humphrey told about 500 blacks at a shopping center on primary day. "I hear some people say, 'we need a new face.' You don't need a new face. You just need somebody who sticks by you, who perseveres, who is durable." The following morning, it was apparent that a majority of California Democrats could not be captured by nostalgia or past services. They plunged, however uncertainly, into the future. Picking up the state's 271 delegates, McGovern ran extremely well among middle-income, suburban and Chicano constituencies and made substantial inroads in the black community. Humphrey retained a healthy majority of the Jewish and labor vote. But it was the end of the presidential line for the Minnesotan, who got 39.2 percent to McGovern's 44.2 (Wallace, by write-in, six percent; Chisholm was fourth in the field of nine with just over 155,000 votes). The talk now will be of party unity, a balanced ticket with McGovern leading it and a nondivisive platform.

McGovern had everything a manager dreams of: money, media, computers, direct mail, secondary speakers and volunteers. Staffers rashly predicted that over 80 percent of the state's five million registered Democrats would be contacted by precinct walkers or phone callers. They didn't reach quite that many, but they created an impression of a ubiquitous crusade. Advance work was excellent; McGovern drew good crowds almost everywhere; the young cadres were effective—people like Rick Stearns, Eli Segal, Gene Pokorney, Tony Podesta, Al Baron, Sandy Burger and Joe Grandmaison. Most of them got their primary training with Eugene McCarthy in 1968 and are still in their thirties. They respect the old bosses, will cooperate with them when it's prudent, but don't need them to win a nomination.

Humphrey's attack on McGovern's income redistri-

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bution plan (he called it a monstrously expensive raid upon the working family's pocketbook) had little visible impact on the outcome; it was enough that McGovern called for eliminating the "welfare mess," and conveyed calm and candor.

Daley News

Cecil Poole drew a crowd in Chicago on May 31. As the hearing officer designated to take testimony in the challenge against Mayor Richard J. Daley's "uncommitted" delegation to Miami Beach, Poole learned what it's like at a hockey riot. Poole, a black US attorney from California, was the second man sent to Chicago by the Democratic National Committee in its efforts to assure order inside the convention hall next month. The first, after hours of verbal abuse, threw up his hands and went home.

As the hearing proceeded and the challengers, led by the Rev. Jesse Jackson and Alderman Bill Singer, attempted to present evidence, no fewer than 15 aldermen and ward committeemen were observed in the room at one time. The regular Wednesday afternoon city council meeting was adjourned so that some of the leading lights of the Daley machine could be present, including three of the mayor's sons, who served as lawyers for the challenged delegates. During seven hours of delaying tactics, Poole overruled 22 straight motions to suspend the hearings on the spot. At one point, Alderman Keane, the mayor's floor leader in the city council, called the whole proceeding a kangaroo court. "Shut off his mike" advised black alderwoman Anna Langford, a member of the challengers who has often experienced similar tactics at the hands of Keane in the council chambers.

Finally breaking his silence, Mayor Daley referred to the effort to unseat the "Chicago 59" in familiar terms: "An obvious conspiracy."

But three separate court suits and two lengthy efforts to delay and disrupt the procedure failed, and the challengers were finally permitted to present their side of the story. It included evidence that the official Cook County Democratic Organization was involved in slating and electing a delegation that underrepresents women, youth, blacks and browns. The challengers filed over 100 affidavits attesting organizational involvement in preparing and distributing sample ballots on behalf of the challenged delegates, a violation of the McGovern-Fraser guidelines which require strict neutrality.

One witness for the challengers, Janet Stessl, a past president of the Illinois League of Women Voters, testified that when a Democratic precinct captain delivered the official slate of endorsed delegates to her door, she complained about the absence of women among the anointed. "Women don't belong in politics," Ms. Stessl was informed.

But some of the most damaging testimony came out on cross-examination by Daley's own attornies. Seymour Simon, a renegade alderman who was slated and supported by the Daley organization, testified to the mayor's disdain for the reform rules and his stated intent to ignore them. On cross-examination, he was asked if he knew of any closed slatemaking meetings held in the city; these are a closely guarded secret, and the organization denies any such meetings occurred. "Interesting that you should ask," Simon responded, and proceeded to provide the first on-the-record testimony about how the organization hand-picked its delegates for the March 21 primary.

The hearings will continue in Chicago, and may drag on until the full credentials committee assembles in Washington near the end of this month. But the next real action is expected to come when the Jackson-Singer forces begin to select an alternative challenge delegation. On June 13, 48 ward-level meetings are planned, to be followed by eight congressional district meetings four days later.

Delegate Count

Last week in his report ("Counting Delegates"), Paul R. Wieck brought Sen. George McGovern to within 56 votes of nomination, perhaps on the first ballot. Four primaries and several conventions later, better than half of the 56 have been picked up. Wieck anticipated 346 votes for McGovern from four primaries held June 6—California (271), New Jersey (50), New Mexico (8) and South Dakota (17). The candidate took California and South Dakota, as predicted, but did a bit better in New Mexico and a lot better in New Jersey, giving him an additional 32 delegates or 378 in all. Only New York remains, where McGovern workers hope for 230 out of 278. If New York holds up, he will have 1021.5 from the primaries, instead of the 989.5 estimated.

He also appears to be doing a bit better in convention states. For instance, he got 5.5 instead of 4 in Alaska, picked up 11 (one under challenge) instead of 9 in Kentucky, received all 15 estimated in Connecticut in the first round of selections (at-large delegates are still to be named), added two (for a total of 15) to the 13 listed from Illinois. However, he dropped to 10 (instead of 15) in Oklahoma when McGovern forces lost a key district in a close fight. The first district to meet in Colorado (Denver) gave McGovern four of six delegates, keeping him on target for the estimate of 25 for that state. Figuring the convention states as a draw, the gain of 32 in the primary states gives a new figure of 1484.5 for McGovern, 24.5 votes short. Daley's bloc isn't needed; John Bailey in Connecticut could provide that number.

Returns from New Jersey and New Mexico, to say nothing of California, underline what has been observed repeatedly: Humphrey's old friends are powerless to deliver for him and the voters have tired of him; they're looking for new faces. New Mexico is illustra-

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tive. Wallace ran strongly on the conservative east side of the state, generally regarded as an overlap of Texas, and in Farmington, a post-World War II oil boom town that regularly votes Republican. Some of Wallace's best showings came from GOP strongholds. McGovern, in contrast, ran well in Albuquerque and Santa Fe, where antiwar liberals are strongly entrenched in the party structure. In New Jersey, only a few organization-controlled areas held out against the McGovern tide, and some of the delegates elected as "uncommitted" may end up in McGovern's column in Miami Beach, next month.

Credentials, Rules, Platform

Preview of Miami

by Paul R. Wieck

A total of 1648 of the 3016 delegates to the Democratic National Convention had been selected by June 5. However, challenges or notices of intent to challenge had been filed involving 700 of these delegates or 43 percent of the total. Very few of them are "frivolous challenges," according to a member of the Credentials Committee staff.

The credentials dispute will not, however, be the bitterest fight at Miami Beach. That's expected to arise out of the "unfinished business" of 1968—the proposals to restructure the party recommended jointly by the Fraser (formerly McGovern) and O'Hara Commissions. Nor will credentials be the most important battle in the short term; that's reserved for the deliberations over platform. Nevertheless, credentials disputes must be resolved before the delegates can be seated and before the report of the Rules Committee (on restructuring the party) and the platform committee can be presented. Most of the challenges allege either violations of the delegate selection guidelines—closed slate-making—or failure, even when the process was open, to give adequate representation to women, youth and minorities. State-by-state, the representatives of the Women's National Political Caucus and the National Youth Caucus have pored over the lists of delegates elected to make certain the guidelines have been followed and protest when they weren't. Almost daily until June 26, the date the Credentials Committee first meets, a staff of a couple dozen hearing officers drawn from the top echelons of the legal community will be holding hearings around the country.

Thus far, challenges have been filed in Alabama, Arizona, Florida, Georgia, Hawaii, Illinois, Iowa, Kansas, Maine, Maryland, Nevada, Ohio, Pennsylvania, South Carolina and Tennessee and notices of intent given in Mississippi, Missouri, Nebraska, Vermont, Washington and West Virginia. A decision has been made to go ahead with a Kentucky challenge. Challenges in New York and Texas apparently await only the formal election of their delegations.

Out of this turmoil, a demand for changes in the guidelines is certain to result, even if the Credentials Committee is able to settle most of the arguments before they reach the convention floor. There is already some grumbling about California's winner-take-all primary, so carefully protected by Fred Dutton, who was a member of the McGovern Commission. On the other side, a move to require proportional representation (it may be working more satisfactorily than any other approach) all the way up in the delegate selection process is probable, and there will be some sentiment for dropping the "quota" system for women, youth and minorities. In addition, there is resentment over crossover voting in states such as Michigan and Wisconsin and generally through the South.

A move to repeal the letter to say nothing of the spirit of the reform guidelines will doubtless originate among top elected party officials, particularly governors, who feel their control over party affairs is threatened. Georgia's Governor Jimmy Carter still hasn't recovered from the surprise showing made by McGovern and Chisholm supporters in the congressional district conventions set up in his state and opened to all voters. Part of the resentment is directed at McGovern himself, on the grounds that it's his backers who are bringing most of the challenges, although none has been instituted by McGovern's national headquarters.

Because of the dramatic change in the makeup of the

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1972 delegations, it's going to be difficult for critics of the guidelines to repeal them in Miami Beach. For the same reason, party traditionalists are going to have a tough time fighting off efforts to restructure the party by adopting the newly proposed Fraser-O'Hara plan, which draws so heavily on the British system. This plan (see "Getting Democrats Together," *NR*, June 3, 1972) calls for sweeping changes, including a biennial issues convention in the years between national elections to write a platform, elect a national chairman and enforce the discipline of the "presidential" party on its "congressional" counterpart. Delegates to the proposed off-year convention would include all members of the National Committee (enlarged to 365); 600 elected by each recognized Democratic Party unit on a level no larger than a congressional district; 1900 elected by the "enrolled members" of the party; and a host of elected officials—governors, members of Congress, state legislative leaders. It would be quite a gathering.

The idea of "enrolled" members of the national party controlling a biennial issues convention gets to the heart of the struggle that's been going on since FDR revamped the Democratic coalition four decades ago. Just what is a "national" Democrat? There is no hint the Fraser-O'Hara people think "registered" Democrat answers the question; it appears to require some more definite sign of allegiance, such as paying dues or at least signing up.

That idea is not going to be universally popular. For one thing it runs counter to the spirit of independence among younger voters who disdain party labels, even when they're working night and day for a candidate like McGovern. Nor will it soothe spokesmen for minority groups, whose rhetoric runs towards threats of bolting if the party doesn't come through on issues of their choosing. It's hard to imagine enrolling as a "national" Democrat becoming popular through the Deep South, unless George and Cornelia Wallace lead the way by taking out the first cards. But to proponents of party responsibility, it offers hope of accomplishing what they've always said is the imperative if the Democratic party is to be truly democratic, stand for something substantial—and pay its way! Their plan would also transfer control from the smaller states to the major population centers where the bulk of the Democratic vote is to be found, and that is bound to provoke some resistance.

The front-running McGovern will probably use the platform to get some of his critics off his back. Take the question of welfare reform. McGovern thinks the present system should be replaced by what he describes as a "minimum income supplement," a kind of negative income tax. Although he has tossed out several proposals along this line and appears to lean to one which calls for a $1000 payment to each person, with those in the middle-to-high income brackets paying back all or some of it in taxes, his people insist he's not wed to any particular system. Ted Van Dyck, his man on platform questions, says: "We want to move toward the principle of a negative income tax, toward doing away with our present welfare system. But we're not going to insist on chapter and verse from our own paper."

One point the McGovern people *will* push hard is tax reform. There, they hope to find a point of contact with the Wallaceites, who have been showing up at platform hearings around the country to express "concern about working class issues, not a lot of racial input." McGovern has made clear that he expects delegates legally or morally bound to Wallace to vote for Wallace—as long as they're required to—and his people obviously hope the two groups can get together on some things. But the McGovern camp is set to oppose any anti-busing language and is adamantly against Wallace's idea that federal judges be elected. At the same time, Van Dyck says McGovern supporters "might help Wallace get his issues to the floor if he doesn't have enough votes in the platform committee for a minority report. We're determined the TV audience as well as the Wallace delegates perceive they are getting a fair shake, both on their proposals and for his candidacy."

McGovern has a team drafting papers to send to the platform committee; he isn't drawing up a platform of his own. The team, largely of Kennedy derivation, includes Herb York of the University of California at San Diego on defense, Edwin Kuh of MIT and James Tobin of Yale on economic problems, George Kistiakowsky of Harvard on science and technology, Abram Chayes of Harvard on general foreign policy, John Silard on arms control and Sen. Abe Ribicoff on health and welfare. Vietnam will not be a major item. No one ever mentions it. The convention consensus will be pro-disengagement. If there's a fight, it's more likely to be over the level of military expenditure.

By the grace of the new rules, a wide array of opinionated delegates will be pushing special demands, and they're apt to support each other's demands. If some of the planks adopted at precinct caucuses and county and state conventions dominated by these groups are indicative, McGovern's managers could be in for some embarrassing moments. For instance, McGovern has come out against legalization of marijuana until "all the facts are in." Caucuses and conventions at every level from the precinct to the state dominated by McGovern backers have adopted planks calling for legalization of marijuana, as well as unconditional amnesty and legalized prostitution. A fight over so secondary an issue as marijuana, instead of defense spending or tax reform, could determine the attitude of the general public toward the party and its nominee in the fall. If that happens, two years of work by a lot of people will be washed away in one hour or half-hour of prime TV time.

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Ifs, Ands, and Buts of the Value-Added Tax

How Bad is VAT?

by Melville J. Ulmer

Ever since Mr. Nixon dropped the hint that he was "considering" a novel levy that would replace the property tax as the principal means of financing education, various commentators (including this journal) have been swatting at what they assume he has in mind—a value-added tax. VAT, they contend, is nothing but old granny sales tax under a heavy coat of rouge—another contrivance to gouge the poor. That judgment leaves them wide open to counterattack. For VAT, as it is shaping up, is not nearly that bad.

In its initial effect, a federal value-added tax *would* have the same impact on consumers, through higher prices, as a national sales tax. But there are as many as five important offsetting factors:

1) As tentatively proposed by the administration, VAT will be coupled with a system of tax rebates for low-income families to combat potential regressiveness.
2) VAT is designed to replace the local residential property tax, which contrary to popular repute, is about as regressive as the sales tax.
3) Improvements in education are now stymied by stubborn resistance to increases in the property tax, which is the chief source of local revenue. Levied on a federal basis, VAT can provide the funds more effectively and also help equalize the resources available to rich and poor counties around the nation.
4) VAT is more easily administered than a sales tax and is less easily circumvented by unscrupulous merchants.
5) The income tax is currently avoided in large part by a considerable portion of middle- and upper-income classes; no consumer can possibly avoid VAT.

The value-added tax is called that because it is levied on a product at each stage of its production on the basis of the value added at that stage. If Firm A buys flour, sugar and other ingredients from various producers for $1000, and sells its own finished bakery product for $1500, the amount of "value added" for the bakery is construed to be $500—which in essence is the net output of its labor and capital. The method of tax collection contains its own built-in, self-enforcement procedure. If the tax were four percent, in the above example, Firm A would be initially liable for a gross tax bill of $60, or four percent of $1500. But if this baking company were able to show, in its invoices, that its suppliers had already fulfilled their legal obligations by paying a four percent tax on the $1000 worth of supplies, its own net bill would come to only $20 (four percent of $500, or the value added).

Each stage of production, in this way, would pay only a relatively small portion of the total tax, and hence would have only a small incentive to seek avoidance. More important, the producers at each stage have a powerful motivation to make sure that their suppliers have met their legal obligations.

Another advantage of VAT is that it is a tremendously efficient money raiser, which perhaps accounts for its nearly universal use in Western Europe. It is this characteristic, also, that explains opposition to the tax from many conservatives. For instance, James M. Buchanan writes: "If the objective is to ensure that the federal government budget grows even larger through time, not only absolutely but also in proportion to the GNP, there is no better means of ensuring this than to adopt the federal value-added tax now. The so-called middle-class majority, and their congressional representatives, should think twice about long-run terms of trade between temporary property-tax relief now and massive new federal taxation for the future." Given such opposition, and in the light of so many desperate calls on federal funds from anti-pollution to anti-poverty, one may suspect that VAT may have something to be said for it. The gross yield from a three percent value-added tax, which is the rate under consideration by the administration, would be about $18 billion a year. After allowance for a system of rebates for lower-income families, the net yield would be $13 billion, or a billion or two more than is collected through the residential property tax for use in public education.

The most important question is, how would the new tax fit into a fiscal system that is already top-heavy with regressive measures? The answer comes in two parts.

First, note that VAT is supposed to substitute, dollar for dollar, for the property tax on residential structures now imposed by local governments. In their eagerness to demonstrate what a fabulous social gain this would be, President Nixon's fiscal experts released data to show that the property tax is the most regressive of all levies. There was just one catch. The figures had been repudiated as erroneous nearly a year ago by the government's own Census Bureau. New and presumably better estimates, the work

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of the bureau's Herman Miller, show that there is little to choose between the property tax and VAT in their treatment of the various income groups. Both are equally regressive.

Secondly, however, the administration has announced it intends to temper VAT's regressiveness by providing cash rebates to poorer families and graduated tax credits for middle-income groups. Such rebates and credits, a kind of negative income tax, could be established independently, even if VAT were not adopted. Nevertheless, VAT provides the occasion and the opportunity for this welcome innovation. Much will depend on the magnitude of the proposed rebates, a detail not yet settled. At worst, they could prove to be a mere token, to sedate opposition, but that could be remedied by an alert Congress.

VAT, then, is neither the financial ogre some liberals feared nor the sparkling benefaction the administration touted. Provided generous allowances are made for the poor, it could be a tolerable addition to the federal government's arsenal of money raisers. Furthermore, the residential property tax it would replace is widely considered a nuisance that has on occasion inhibited urban planning and renewal (a *land* tax would be something else again). More broadly, VAT may set a precedent for adopting a more pragmatic approach to the whole tax system and help rid us of the encrusted conventional thinking that obstructs most attempts at innovation.

Since Adam Smith (1723-1790), all advanced western nations and nearly all economists have paid dutiful obeisance to the proposition that taxes ought to be levied on the individuals according to their ability to pay; dutiful in sentiment, not in deeds, for it requires no statistical micrometer to see that the "ability to pay" standard is blatantly ignored. The evidence appears in the accompanying table, which shows the latest estimate available of the impact of taxes on various income groups. It is a conservative estimate, in that it accepts as literal truth the incomes of respondents as reported to the Internal Revenue Service and hence exaggerates the progressivity of the income tax—the *only* progressive levy now on the books. Even so, as the first column of the table shows, families with less than $4000 annually pay as much as 25 percent of their incomes in taxes of all kinds, barely under the 31 percent paid by those in the $15,000 to $18,000 bracket, and not a great deal below the 38 percent paid out by all the families with income over $25,000.

Taxes Paid as a Percent of Income in 1968

Income Class	All Taxes	Federal Income Tax: Personal	Federal Income Tax: Corporate	All other Federal, State and Local Taxes
Under $2000.....	25.6	0.6	3.1	21.9
$2000 to $4000.....	24.7	2.5	3.1	19.1
$4000 to $6000.....	27.9	4.7	3.2	20.0
$6000 to $8000.....	30.1	6.5	3.2	20.4
$8000 to $10,000 ..	29.9	7.6	2.9	19.4
$10,000 to $15,000	30.9	9.1	3.0	18.8
$15,000 to $25,000	31.1	10.3	4.1	16.7
$25,000 and over .	38.5	16.0	10.8	11.7
All classes.....	31.6	9.5	4.7	17.4

Note: This table shows both the direct as well as the indirect impact of taxes on families in the various income groups. The effect of a sales tax or of VAT is entirely indirect, because it is incorporated in the higher prices of goods that people buy and hence indirectly eats into their incomes. The effect of a personal income tax is direct since it directly absorbs part of family incomes. The effect of a corporate income tax is mixed. In part it is passed on to consumers in higher prices, like a sales tax or VAT, and hence affects family incomes indirectly. Part, however, is paid out of corporate profits and affects stockholders' incomes directly.
Source: Roger A. Harriot and Herman P. Miller, US Bureau of the Census.

Moreover, the situation is worse than appears on the surface. There are illegal as well as legal ways of understating incomes as reported to the Internal Revenue Service. If understatements are taken into account, both on the personal and the corporate level, the 38 percent of income ostensibly paid out for all taxes by families in the $25,000-and-over bracket might well be reduced to something closer to 31 percent. In short, barely any progressivity would be left in any range, and virtually none at all over the range of incomes from $6000 to infinity. Illegal evasions aside, loopholes in the income tax law now cost the federal government some $20 billion to $30 billion a year, according to estimates prepared for Rep. Henry Reuss (D, Wis.).

With Herculean effort, some of the gaps in the income tax law may be closed in the future, but neither the cumulative induration of vested interests nor the lessons of history promise that fundamental reforms will be swift or sweeping. As for illegal evasions, there would appear to be no way of catching most of these short of planting an IRS agent in the office of every one of the millions of independent business firms and self-employed professionals. We've got to keep trying. But in the meantime a break is long overdue with the doctrinaire and fallacious view that *all* hope for progress resides in improving that "best of all taxes"—the income tax. Other routes for reforming our financial system may, as a practical matter, be more promising.

The value-added tax, coupled with ample subsidies for the poor, would be one such opportunity. Graduated sales and excise taxes offer additional examples, as yet untried, of levies that would reach everyone, inescapably, including those who today go free; and yet they would fall more heavily on the rich than on the poor—a claim we cannot make with complete confidence of any other tax. What I am proposing here are taxes on the sales of certain goods, such as autos, at low rates for the cheaper, smaller, lower-powered models and moving gradually upward to the highest rates on the expensive, souped-up, ostentatious grades. The objective would be not to penalize those who can and do live well, but to

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require larger public contributions from those who make greater demands on the nation's resources. Coincidentally, the objective would be to tax people according to their ability to pay. We have not been very successful in doing this by trying to attach incomes. Taxing expenditures on a graduated scale should be more effective, which may be one reason so many legislators bridle at the thought.

Did Someone Mention Arms Control?

The B-1 Ballyhoo

by Peter J. Ognibene

Everett McKinley Dirksen, the late basso profundo of the Senate, once regaled the gallery with a discourse on the cooking of live frogs. The frog was not to be dropped into a pot of boiling water, Dirksen warned, because he would start hoping like crazy and might topple it. He was to be put, instead, into a pot of cold water. Then, with the lid securely fastened and the heat turned up gradually, the frog would come quietly to his end. Although the late senator from Pekin, Illinois, delivered his frog homily in a different context (now forgotten), he could well have been talking about how the Pentagon goes about getting Congress to commit itself gradually, but irreversibly, to spending billions of dollars for unnecessary weapons the military claims we need for our security.

When the Nixon administration earlier this year asked Congress for an $83.4-billion budget for the Pentagon, there were the ritual displays of concern, but the American public gave no sign it had heard. Even though the Pentagon is asking for $6.3 billion more than it got last year at a time when the President is dining with the leaders of our putative enemies, citizen interest in the increase in the military budget has been almost nonexistent. The Pentagon's strategists on Capitol Hill know that talk of wasted billions of dollars has failed to move the electorate, and they are confident this lack of interest will extend to individual items in the budget.

One item which has yet to receive close scrutiny is a request for $445 million for *accelerated* development of the air force dream machine of the future: the B-1 bomber. Although she is but an embryo, she has touched the air force deep in its computer bank, and the big bomber boys who run the air force are prepared to fight for her to their last drop of tax dollars, and there's nothing in the Moscow agreement to stop them.

The air force says that the B-1 will cost $11.1 billion, but that is only the price tag for a fleet of the stripped-down, "fly-away" models. It does not take into account all the other costs which would necessarily accompany the operation of 241 B-1s. One such item is the Short Range Attack Missile (SRAM). The B-1 can carry 24 SRAMs, and the price of each was reported by *The Wall Street Journal* of May 3, 1971, to be almost one million dollars. If that is accurate, these nuclear-tipped weapons would add $5.8 billion to the cost of the B-1 *weapon system* before the B-1 ever leaves the ground.

The cost would not end there. Bombers need tankers, and while the B-1 will be compatible with the present KC-135 tanker fleet, the air force is apparently planning to ask for a new tanker once the B-1 is assured of production. In February the air force announced it had given the Boeing Corporation a six-month, $1.6 million contract to test the feasibility of converting its 747 jumbo passenger-jet into an air refueling tanker. While this small contract may not lead to a larger one to produce a "KC-747," a feasibility test is the first step in that direction, and it shows that the air force is giving serious consideration to a new tanker. Because much of the Pentagon's press agentry has centered on the B-1 as a replacement for the "aging B-52," the last of of which was built in 1962, it will come as no surprise when the air force later discovers that its KC-135 tanker, the last of which was built in 1964, is showing signs of tired blood. The point here is that once Congress agrees to produce a new bomber it will also be giving its tacit approval to a new tanker.

What would a new tanker fleet cost?

With three tankers for every two bombers in the air

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force, one would anticipate that the 241 B-1s would be complemented by 360 tankers. A Boeing 747 passenger-jet costs $23 million; so, 360 of them would cost $8.3 billion. The costs of converting a commercial airliner into an air force tanker could drive the price several billion dollars higher. Operation and maintenance of the new bombers and tankers would also add considerably to the overall costs. One group at Princeton, headed by Bruce W. MacDonald, did a comprehensive study of the costs of the B-1, its support systems, and operating expenses and reached a "total ultimate systems cost" of $75 billion.

That mind-boggling estimate is probably too high, but at least it takes into account the realities involved in operating a fleet of strategic bombers—something the Pentagon does not do in its public presentations about the costs of the B-1. The Pentagon prefers to discuss the B-1 in terms of its "fly-away" price tag—much like a new car dealer who avoids telling you at the outset what the "options" will cost. Where a fleet of strategic bombers is concerned however, tankers and armament can hardly be considered optional equipment. Yet, the Pentagon has masterfully steered discussion of the B-1 toward the less relevant figure of airframe cost rather than the costs of the weapon system and its support elements.

The air force says that the total cost of the B-1's research, development, and testing will be $2.7 billion. The first test flight is set for April 1974, and the testing program will last for one year. After the testing has been completed, a decision will be made concerning the production and deployment of the B-1. As Secretary of Defense Melvin Laird is fond of saying: the B-1 must "fly before buy." This promise has no doubt reassured many legislators who recall the well publicized difficulties the air force had with the F-111 and C-5A, but most legislators either do not understand or (worse) do not care that they will be giving tacit approval to *produce* the B-1 in 1975 if they continue to accept Laird's "fly before buy" salespitch.

North American Rockwell, the prime contractor of the B-1, located in vote-rich and aerospace-hungry Southern California, has been building military aircraft for decades, and there can be no question that the company will build a B-1 that flies. A few design specifications may be changed in secret bargaining with the air force and its performance may fall short of certain requirements, but it *will* fly. What then?

Will a Congress that has been huckstered into spending almost three billion dollars to develop the B-1 on a "fly before buy" basis then turn around and refuse funds to produce a bomber which can indeed take off and land? Not likely. Just as sure as Dirksen's frog, unless Congress challenges the B-1 on its strategic merits, it will find the Pentagon has locked it into a process from which it cannot retreat. If it wants to avoid being served up *provençale*, then Congress must take a hard look now at the B-1 bomber, and this requires a broader examination of the manned bomber's role in the strategic nuclear balance.

Pentagon estimates show the United States has about 450 B-52s in 26 squadrons and 71 FB-111s in four squadrons. They constitute one element of the nuclear deterrent. The other two elements are 1054 intercontinental ballistic missiles (ICBMs) and 656 submarine-launched ballistic missiles (SLBMs). The bomber, ICBM, and SLBM are the Pentagon's nuclear triad. Three separate weapons in one deterrent: it is a concept as mystically enshrined in American military theology as the Holy Trinity.

Many military analysts believe that three different weapons are at least one too many. The Soviet Union, for example, has never put much store in long-range bombers. She now has about 140 heavy bombers, and they are relatively unsophisticated systems compared to the B-52s and FB-111s. The Pentagon has long since decided that Soviet bombers are not much of a threat, and since 1964 the United States has cut back the number of fighter-interceptor squadrons from 40 to 11 and reduced the number of army air defense firing batteries from 107 to 21. Although the Pentagon periodically rumbles ominously with reports of a new Soviet bomber being tested—the present one is called the *Backfire* (NATO designation)—there is no indication that this or any other Soviet bomber will be deployed.

If our putative adversary, the Soviet Union, has relegated the manned bomber's role to a bit part, why is the United States pushing ahead with its multi-billion dollar plans for the new B-1?

Some of the answer to that question may lie in the difference between the Soviet military bureaucracy and our own. Soviet military theory has generally treated aviation as little more than long-range artillery (a not unreasonable proposition, given her history of invasion and long borders to defend). Consequently, Soviet air force officers who aspire to higher rank have naturally sought assignments in tactical fighter rather than strategic bombers. The reverse has been true for the United States air force since the World War II days of "high altitude, daylight, precision bombardment." The emphasis on bombers continued after the war and was firmly entrenched in the Eisenhower-Dulles strategy of massive retaliation in the pre-missile 1950s. So, for three decades, the way for an air force officer to get ahead has been through the ranks of the Strategic Air Command, and not surprisingly the last three generals to become Air Force Chief of Staff served as commander of the Strategic Air Command just before their elevation to the top spot. The men who lead the air force, then, are bomber-minded, and they are also well aware that air force personnel strength and command billets depend in great measure on having a large SAC bomber force. That the air force has a bureaucratic self-interest in perpetuating the bomber is self-evident. What is not so clear is that bombers are

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necessary to the American nuclear deterrent.

"Bombers can be launched and recalled" is a favorite argument of pro-bomber advocates, but this argument does not hold up under close scrutiny. While it is true that bombers can be ordered to take off in the event there is warning of a nuclear attack and under fail-safe procedures are automatically recalled if not subsequently ordered to a target, there is no guarantee that bombers can be recalled after the "go" order has been given. What if nuclear explosions created a communications blackout or antiaircraft missiles knocked out a bomber's communications network, how then could a bomber be recalled? In any event, in the many hours it would take between "go" and "bombs away" there might well be several exchanges of nuclear missiles whose flight time to target is just 30 minutes.

"A bomber is flexible because it has a man in it" goes another argument, but flexibility in nuclear war can sometimes be more of a liability than an asset. If nuclear war were to start, the only hope of avoiding Armageddon would be a central authority in both nations that could stop or limit further attacks. Do we want to allow the possibility that a bomber pilot frustrated from reaching his assigned military target might decide to drop his 20 or so megatons on a city? Such "flexibility" could possibly result in a conflict's escalating from limited attacks against military targets to all-out nuclear war.

A bomber is much more vulnerable than a missile. Bomber bases would have to be high-priority targets in any enemy first strike because these bases contain greater megatonnage than any other type of target. In a surprise attack from submarine-launched missiles, most bombers would be sitting ducks. Those few that did get off the ground before the attack would then have to contend with a tough Soviet bomber defense system. Most would probably not get to their targets.

Some bombers no doubt *would* make it to their targets, but it would be almost impossible to predict in advance which of them would survive. SAC bombers no longer fly in waves but go instead as single ships; hence, it is not clear what targets they could sensibly be used against. They certainly could not be counted on to destroy the most urgent targets; they are just too slow and their ability to penetrate Soviet air defenses is in doubt. That would rule out their being programmed against missile silos and bomber bases, because the former would be empty and the latter would have launched their aircraft on warning. The only targets bombers could be used against, then, would be the kind that cannot move, such as industrial areas and cities. These types of targets, however, are the ones which should *not* be hit on a first strike unless no effort is to be made to limit the severity of the nuclear exchanges. If the exchanges are to be limited, most strategists believe that there must be a pause. But bombers are time-sensitive weapons: they must be used right away or not at all. If they have been ordered to a target, their fuel running out, no bases left to return to, and "hot" bombs on board, is there likely to be a pause?

For nuclear bombers to have a plausible mission, they would have to be second-strike weapons. Of course, to survive an enemy first strike they would have to be hardened in deep underground shelters. They would have to be ready to take off on short notice and with no runway. They would have to use a guidance system that cannot be jammed. They would have to be able to penetrate enemy air defenses. In other words, the perfect second-strike bomber is a ballistic missile, and the United States already has more than 1700 ballistic missiles in hardened underground silos and at sea.

Although bombers have no useful purpose once a nuclear war has begun, they do have a modest role in deterring nuclear war. Simply stated, it is to provide more targets for the Soviets to shoot at. Because bomber bases are the single most lucrative targets in terms of megatonnage, a portion of any Soviet first strike would have to be programmed against them. Dispersing bombers and tankers to complicate enemy targeting problems is a valid deterrence function, but there are inherent limits to dispersal. Short runways preclude using most civilian airfields, and those with large runways are usually city airports. Using them would make those cities targets in a nuclear first strike.

The air force will never admit that its beloved bombers have no important role in a nuclear war. The air force still thinks in World War II terms and talks about bombers somehow "prevailing" or "winning" a nuclear war. What "victory" means in such circumstances is left undefined.

There are also doubts about the tactical merits of the B-1. While the new aircraft has some distinct advantages when compared individually to either the B-52 or FB-111, the B-1 certainly represents no quantum leap in aviation technology. Because Soviet high altitude bomber defenses are considered to be virtually impenetrable, the B-1 has been designed for low level missions; but so, too, were the B-52s and FB-111s. The B-52 G and H models were designed with greater structural strength specifically to be able to perform low altitude missions. They have almost twice the range of the B-1 but are somewhat slower and carry a slightly smaller payload. The FB-111, however, is superior to the B-1 in low altitude penetration and speed, but it has less range and payload. The B-1 may well be a better bomber than either the B-52 or FB-111, but the case for the B-1 against the combination of B-52s and FB-111s is only a marginal one.

The taxpayers' money might be better spent on improving the capabilities of the existing strategic fleet than in buying a new bomber, but the air force has failed to explore proposals which could extend the useful life of the B-52 and increase its effectiveness:

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Senator William Proxmire (D, Wisconsin), a frequent critic of military spending, revealed that the air force had failed to make public a 1969 proposal from Boeing Corporation (the prime contractor of the B-52) which could make the B-52 an effective bomber well into the 1980s. By replacing the eight turbojet engines with four turbofan engines, the range of the B-52 could be extended along with the number of years it could continue to perform its strategic mission. Proxmire also charged that the air force over a three-year period had not spent any of the funds allocated by Congress for a new missile called SCAD (Subsonic Cruise Armed Decoy) which would increase the penetration capabilities of the B-52. Of course, anything that can increase the operational life or effectiveness of our present bomber fleet will weaken the air force's "need" for the new B-1.

Commenting on the SALT agreement, *The New Republic* recently called for restraint in the arms build-up on both sides and pointed to the danger that "one or another will attempt to compensate for alleged concessions by doing what is not prohibited." Here we have a test case in the B-1.

If the Pentagon were to set up its own counterpart to an endangered species list, it would be made up of those weapons modern warfare is fast making obsolete but without which the size of the military bureaucracy would necessarily shrink. Because major weapons are the stuff about which platoons and, ultimately, divisions are organized, when a major weapon approaches extinction, it is likely to drag those forces and—more to the point—then command billets with it. Although the manned bomber once flew unchallenged in the skies above the potential world wasteland, it is now an endangered species thanks to the efficiency of ballistic missiles and the sophistication of Soviet air defenses. The new B-1 bomber, conceived in obsolescence, has but one purpose: to preserve a sizable portion of the air force bureaucracy by delaying the inevitable extinction of manned nuclear bombers. To that end it may well succeed.

Equalizing Educational Opportunity

Taxes and Schools

by Jerome Zukosky

The two great streams of court cases seeking equality of educational opportunity, the one through racial integration and the other through reform of the state school finance systems, are often treated as if they involved radically different quantities—dollars and children—and among liberals particularly, the effort to share children is made to appear more critical, more central to education than the effort to share dollars. Writing in a publication of the Harvard Center for Law and Education, William Taylor, former chairman of the US Civil Rights Commission, warns that court imposition of metropolitan school districts faces opposition by those who would "embrace school financing equalization *as an alternative* to integration." The limits to what fiscal reform can accomplish are so narrow, Taylor writes, that "care must be taken that it does not become the modern equivalent of the 'separate but equal' theory of *Plessy* v. *Ferguson*." S. Francis Overlan in these pages ("An Equal Chance to Learn," May 13) took a similar view: ". . . it must be the students and not the less important education resources that must be equally distributed." I consider the Overlan essay a self-serving rationale for the extraordinary privilege enjoyed by residents of the richest and most favored school districts, of which that in Winnetka, Ill., where Mr. Overlan is an administrator, is an example. It is not true, as Mr. Overlan asserted, that the court decisions in the school finance cases "assume" or "imply" equal spending per pupil. Nor has any judge seen fit to define the goal of equal educational opportunity or tell the states how to restructure their school finance systems to approach it, which seems wise in light of the difficulties educationists have with the problem.

Then we have Nathan Glazer, writing in *Commentary* to demonstrate how liberals in good conscience can oppose the integration decisions—so grave is the threat they pose to civic order and the Constitution—

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and ignore the finance decisions. "The crucial point is," Glazer says, "do federal courts have the right to impose a school policy that would deprive local communities and groups, white and black, of power over their schools?" He says "no" and defines "communities" as existing school districts, whose interests are expressed in the elected school boards. He clearly perceives the threat to the power of these communities in the integration decisions but apparently none in the effort to distribute school dollars more equitably.

What makes this response curious is that it fails to comprehend the political economy of schools (which I call school government), in which the problems of finance and of racial segregation are both embedded. The federal court decision in Richmond overturned last week by a US appeals court, the federal court decision in Detroit, the Supreme Court decision in the Charlotte, NC, *Swann* case and the burden of educational finance research in recent years make it plain that one cannot reform school financing in ways that meet the tests courts have adopted without striking directly at the problem the integration cases approach obliquely: the power of local school boards to make decisions that influence what takes place in classroom and school. The power of local boards to determine what children go to which school, what teachers are hired, where they teach and how much they are paid, where schools are built and buses run are facets of district power; so is the power of boards to tax, incur debt, make budgets for distributing local and state revenues, contract for personnel and services. Integrationists are attacking the district from the front as a fortress of power and privilege, and fiscal reformers from the rear, but both are headed for the same strong room.

The congruence of the attack can be seen in the decisions of Judge Mehrige, Jr., in the Richmond integration case *(Bradley* v. *School Board of Richmond)*, in the opinion by Justice Sullivan for the majority of the California Supreme Court in *Serrano, Jr.* v. *Priest* last August, and in the opinion by three federal judges, Goldberg, Spears and Roberts, in *Rodriquez* v. *San Antonio Independent School District* last December. The latter two are the most important of the school finance cases, of which there are about 40 in state and federal courts in 27 states. Both decisions invalidated the entire body of state law affecting school finance; *Serrano* was not appealed and the California legislature is engaged in trying to find alternatives but *Rodriquez* has been appealed to the Supreme Court by Texas, joined by 30 other states, seeking reversal. The disputed Richmond decision will ultimately be resolved by the Supreme Court.

In these cases, the defendant state officers argued, when all was said and done, that they were constrained in their capacity to remedy alleged defects in school government—such as the wide disparities in spending per child—by compelling considerations in state law, policy and history designed "to strengthen and encourage local responsibility for control of public education," to use the words in *Serrano*.

The judges demolished this defense. They said school districts were creatures of the state, to be arranged or abolished altogether if the states so chose in order to reach the more compelling state interest of equality in the treatment of all children. Nor could any local district powers be considered impermeable barriers to accomplishing state purposes. In the three cases the virtues of local district control were viewed as subterfuge and illusion: in the integration case as a means of forestalling the mandate of *Brown* by creating a reciprocal relationship between housing and school segregation that the state must break; in the finance cases by permitting residents of "rich" districts with high property valuation per pupil to use their wealth to provide higher levels of spending than "poor" districts and to do so with a lower tax burden. Such privilege occurs—particularly in the 10 most populous states, where half the nation lives—when states provide about half or less of school funds, forcing local districts to tax property within their boundaries for the remainder. Not only do enormous differentials in spending get built into the system; so does the socio-economic segregation characteristic of suburban belts around major cities.

In ordering the Texas legislature to invent a new financing arrangement, the court in *Rodriquez* said any would be acceptable so long as variations in wealth among any units chosen "do not affect spending for the education of any child." It is here the court posed a key issue for the Supreme Court, an issue that Mr. Overlan seriously misrepresented. The Supreme Court refused in 1969 and 1970 in *Burrus* v. *Wilkerson* and *McInnis* v. *Shapiro*, to join the issue: do disparities in spending per pupil and in tax burdens among districts violate the meaning of equal protection under Section One of the Fourteenth Amendment? The Court's reluctance to so rule presumably has been caused by the difficulty of framing a judicially manageable standard of what would constitute nondiscrimination, against which to measure alternatives to the present district system; in *McInnis* the Court specifically rejected equal spending per pupil as a standard.

The *Rodriquez* and the *Serrano* court did adopt the standard of "fiscal neutrality" for state finance systems; that is, "the quality of public education may not be a function of wealth other than the wealth of the state as a whole." Nothing in either decision prohibits state legislatures from providing more money for the handicapped, the retarded, vocational trainees, the gifted, or indeed any group. But such distinctions must be made as a matter of public policy, and not, as now, by an arbitrary system created by legislatures that makes the crucial determinant of resource allocation the wealth, expressed in property values, of the

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district in which a child happens to live.

If the Supreme Court accepts this standard, it would be as momentous a decision as that holding racially identifiable schools inherently unequal, although not for the reasons adduced by Overlan or which might be understood from his argument. Supreme Court decisions do not assure anything, let alone something that can be called equality. What the 1954 *Brown* decision did was to provide the legal lever with which to dismantle the dual school system of the South. But as a recent study by the NAACP Legal Defense and Educational Fund observed, extensive segregation not only remains in the South but is increasing in urban areas as the black city-white suburb pattern familiar to the North is repeated. Attacks on this pattern of segregation, as in Richmond or Detroit, are extremely costly and complicated efforts to prove in specific areas that public officials acted *de jure* to segregate children. The Detroit case, for example, required more than 40 professionals and many more volunteers who sifted 40,000 pupil transfer slips, examined reluctant homebuyers, builders and realtors and exhumed a century of moldy school board records to provide a boxcar load of show-of-proof allegations.

Rodriquez upheld is the equal of *Brown*—at least the equal—because it would provide the lever for dismantling a system of shared power in all states (except Hawaii) that undergirds the present school government structure. By shared system of power, I mean the arrangement by which the states assume a partnership with local districts in making basic decisions about education. The state devolves upon districts some of its sovereignty, such as the power to raise revenues through taxes and charges; to raise a public debt by selling bonds and to control its affairs by making budgets and rules. In most states and all the urban ones, the states are the junior partners, providing half or less of school revenues and striving, through a maze of regulations, to force districts to meet minimum standards of performance and service. The achievement of more than the minimums is left to individual districts and their resources, principally the tax on real property. Until recently, the largest city districts were considered self-sufficient enough to receive extraordinary grants of home rule power. They operated as independent empires while state education bureaucracies concerned themselves with rural schools.

Arrangements to meet a fiscal neutrality standard would radically alter the balances, shifting to the state—governors, legislators and school policy boards—the power to make the major decisions in the political economy of public education. Efforts to work out the details are now beginning in legislatures and undoubtedly will require continuing judicial scrutiny. But the general outline of what needs to be done is evident from a number of studies, such as that of the Fleischmann Commission in New York, the National Educational Finance Project, the work of Coons, Clune and Sugarman in their recent *Private Wealth and Public Education* and the proposals laid by New Jersey's Gov. William T. Cahill before a special session of the legislature to meet June 15. By far the most important element is having the state assume most or all of the burden of raising and distributing funds for elementary and secondary education. "Full state assumption," a seemingly heretical notion popularized by James Conant for a decade is now enshrined in Gov. Cahill's program in somewhat modified form, in complete form in the New York plan, and seems certain to emerge from the California debate. New York's plan eliminates local district taxing power. The state imposes a property tax at a uniform rate; that money, along with funds raised by other state taxes and federal aid, forms the pool of revenue for education. Local district determination of gross budget disappears; money is distributed among districts on the basis of pupils and not district wealth or local tax effort. Urban and rural poverty is dealt with by providing 50 percent more money for each pupil whose test scores indicate failure to accomplish stated levels of proficiency in reading and math, although variations here among the states may be expected in efforts to solve the problem of "need." Special services, such as those for the handicapped, pass from control of local districts to metropolitan and regional agencies funded and managed by the state as part of regional centers for research, training and evaluation.

The finance cases do contain a grave threat, but not to those of whom Mr. Overlan was most solicitous, those "innocents" who believe finance reform "will ineluctably bring about equal educational opportunities." Rather, the decisions threaten the privilege state law now conveys upon residents of the richest school districts, who are permitted to use their wealth for the education of their children rather than sharing it with all taxpayers of the state for the education of all children of the state. As to "equal educational opportunities," it is likely that administrators will have more time to find out what that means if they don't have to worry about local tax rates, bond issues and competition with neighboring districts.

It is possible to reach issues involved in *Rodriguez* and invalidate existing district school financing through state court action with reference only to state constitutions, as suits in New Jersey and Arizona demonstrate. The *Serrano* decision was grounded on both state and federal constitutional law. But the Supreme Court's response to *Rodriguez* will be crucial, not only to the substance of suits but to the pace at which litigation proceeds through state and federal courts. Many courts are marking time until the Supreme Court indicates how it will handle the *Rodriguez* appeal. If the Court opts for a decisive opinion after argument, its ruling may not come down for a year or more.

Changes can be anticipated should the courts man-

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date school finance reform. The first is the enormous increase in state power that comes from enhanced control over the delivery of a public good second only to national defense in its cost. Studies indicate that very large amounts of new state money must be found —over $600 million annually in New York alone—and that means we can expect greater pressure for more federal spending for education as well as freeing the states from the burden they carry for welfare. Pressure on state treasuries probably will force long-overdue reform of state-local tax systems that are unconscionably regressive.

Underlying Conant's criticism of the present shared system of power in school government was the conviction that rational policy could not emerge when decision-making is diffused not only among hundreds and thousands of wildly different local units, but among the state executive, the legislature and independent school policy boards. New York is typical: a governor controls all departments save the one engaged in spending the largest amount of state revenue, education; that is headed by an executive serving at the pleasure of an appointed board beyond the control of either governor or legislature, yet it is they who must take the political risk of providing money. This separation of "education" policy from "politics," most crudely represented in the local school district itself, is a legacy of the past certain to fall victim to the search for more equal educational opportunity. There is probably a parallel here to the process that tied school systems and municipal government together earlier in this century in our largest cities, a union that produced a notable application of public resources to new needs. As the state gradually is perceived as the larger urban community, this process may be repeated.

We can also look forward to a more sophisticated system of evaluation. James Kelly of the Ford Foundation has pointed out that citizens, legislators and administrators all want more from schools than the knowledge that districts are spending appropriated funds in legally approved ways. Now we demand that schools be held accountable for results. We may expect the next generation of school finance formulas to distribute buildings and perhaps classrooms and an accounting at the level of individual pupil and teacher. As the school district withers away, the individual school should emerge as the basic unit of localism in school government.

All this may strike one whose concern is the poor and the amelioration of injustice as cold and remote. Legislatures may manage the school tax package in ways that cost the poor more for education. Equalization of spending that narrows the gap between rich districts and ones of average wealth may convince the well-off to abandon public education faster than ever, particularly if their commitment is not nailed down by progressive state income taxes that make the decision to abandon public education doubly costly. No fiscal system will so change matters that the typical child in Winnetka, Illinois and the typical child in the slums of Chicago will be "guaranteed" equality. But economists, judges and lawyers are dealing only with public law, public revenue and public decisions. Beyond those decisions there's plenty of room—thank goodness—for the play of individual talent, but within them there is no room for repugnant distinctions based on wealth.

The argument will be made by big-city representatives that state officers and legislators ought not to be trusted with the destinies of the largest school systems. This traditional defense of home rule has lost its force as metropolitanization accelerates. A new state presence in our largest cities would be desirable, given the breakdown of municipal political leadership and the often chaotic experiments at decentralization. Greater state responsibility invigorates moribund state education bureaucracies which lie buried in their glorious past of a half-century ago.

Since legislators and governors represent the same people school boards do, racial integration will not necessarily be assured, and continued challenge to segregation through court action will be necessary. Integration, however, is an enormously complex process and requires knowledge and perceptions about the relations of people and public goods and services in urban areas that are rare among the informed or the average citizen. Faced with the amorphous mass of metropolis, educators no less than parents withdraw to the safe and familiar school district and cling to it as the only unit within which that still mysterious process of education can be managed.

In the largest sense, however, school finance reform with full assumption by the states of financial responsibility complements the struggle for an integrated society. The finance cases raise a question that observers such as Glazer and Overlan ignore and that Mr. Nixon pretends doesn't exist: are present local school districts valid expressions of community in an urban society, sufficient to warrant the devolution upon them of fundamental government powers? It may have made sense in the last century, to consider property as an index of wealth available for public purposes and the state a passive regulator of an activity best managed by small groups immediately concerned. Urbanization has changed this. Not just the poor, but the middle class want their taxes to produce those "lighthouse" schools of Great Neck, New Trier, Bloomfield Hills and elsewhere for themselves as well. The answer given by the courts frees the states to seek a more inclusive expression of community desire, institutionalize it in law and practice and thus promote that sharing—of wealth, power, experience and interest—necessary to the functioning of urban society in a democracy. I would submit that this is no less than the fundamental purpose of integration.

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Stanley Kauffmann on films

Uncle Vanya

(Artkino)

Cornography

The question—again—is: What is supposed to satisfy us in films of great plays? An approximation of atmosphere, a synopsis of the text, some evidence that the actors would be well cast if only they had the full roles to play? Are we supposed to forget that the play exists, and to judge the film as an independent creation?

The problem is not new, and I'm not the only one who has written about it before. It persists, and it comes up again with a Soviet film of *Uncle Vanya* about which there has been critical joy. When a film is made from a minor play, all we ask is that it be a good film: because the only reason for making it was to produce a good film. But the film of a Chekhov play is made because of Chekhov. It ought to be good as film, but how can we separate the source-motive from the result? How can we excuse adulteration on the ground that now we are in a different medium? Isn't that, in fact, just one more patronizing derogation of film? (A common implicit practice among those who claim to be "real" film critics.)

Three of the actors in this version are excellently cast. Innokenti Smoktunovsky, as Vanya, is a well-bred man with over-ripe insides going to seed. Irina Kupchenko, as Sonia his niece, has lovely reticence, affection, and an air of untapped sexuality that will never be realized. Irina Miroschnichenko, as Yelena, is a delicate golden dream, lightweight but with the self-assurance that a lightweight person has a right to exist, too.

Sergei Bondarchuk, probably the best-known contemporary Soviet film figure, plays Dr. Astrov. (Bondarchuk directed *War and Peace* and played Pierre.) His Astrov—not Bondarchuk himself but Astrov—seems conscious of being a character in a Chekhov play. Bondarchuk has presence, but he trades heavily on the conventional symbology of mood and suffering that has become the cliche of Chekhov acting.

The young director, Andrei Mikhalkov-Konchalovsky, also made the adaptation. Of course the play had to be adapted for the screen; the issue is, how much license is there in that phrase "of course"? Even judging by subtitles, anyone who knows the play will know that subtleties and developments have been sliced, emphases have been altered.

In 1951 André Bazin wrote a long two-part essay called "Theater and Cinema." I would argue with some of this essay but certainly not with the section in which he wrote:

> However one approaches it, a play whether classic or modern is unassailably protected by its text. There is no way of adapting the text without disposing of it and substituting something else, which may be better but is not the play. This is a practice, for that matter, restricted of necessity to second-class authors or to those still living, since the masterpieces that time has hallowed demand, as a postulate, that we respect their texts.

Bazin might agree that this *Uncle Vanya* is "something else," and not something better. Fundamentally, anyone who sets out to make a version of *Vanya* that runs an hour and 50 minutes has set out on an esthetic fraud, whatever his visual approach or cinematic injunctions. The camera dollying through empty rooms, the insertion of socially significant still photographs, the final (perfectly dreadful) helicopter shot do not compensate for the omissions, nor "convert" them into cinema. And what was the purpose of the numerous switches from black-and-white to color? (Soviet color, by the way, is far behind American. If the missile gap were as decisively in our favor as the color-film gap, Nixon would not have needed to go to Moscow.) The switching made no more sense than in Lindsay Anderson's *If . . .* and the silhouette fade-outs to close scenes were technically below the work done in some US film schools.

Further, the film distorts. When Vanya loses control of himself and takes a couple of shots at the Professor, Chekhov specifies that the latter is frightened. Here the camera looks past the Professor standing defiantly statuesque, a Russian Wyatt Earp, allowing Vanya to take a second shot, which misses. This is nonsense.

Much has been said of the "Russianness" of this Chekhov. Unfortunately, national origin guarantees nothing, as the Moscow Art Theater productions proved in New York. The best *Uncle Vanya* I have seen was done by the National Theater in London in 1964, directed by Olivier, with himself as Astrov, even better than when he did it in New York with the Old Vic in 1946. To protest that the Olivier production is gone and the Soviet film is available is to argue expediency, not art.

But the film did highlight one point about Chekhov for me. Here are some people merely living their lives, seen in

(continued on page 34)

Films Worth Seeing

Cabaret. A clever Broadway musical director, Bob Fosse, makes a clever film musical. Isherwood's Berlin filtered through "smart" show biz.

A Day in the Death of Joe Egg. Utterly unsentimental story about a young English couple with a spastic child. Intelligence, anger, sexiness, and wit are the tone, not pathos.

The Hospital. Paddy Chayefsky's script ultimately cops out, as one would expect, but the dialogue crackles and so does George C. Scott as the menopausal medical chief.

Malcolm X. A straight, clean documentary, synopsized from the autobiography, that gets its power from the power of its subject, a phenomenal man.

Pocket Money. Paul Newman and Lee Marvin rape every rule of Western drama—and make us relax and enjoy it. Very amiable Americana.

The Sorrow and the Pity. Will surely rank among the best documentaries. Marcel Ophuls has woven the occupied France of the '40s with the survivors of the present to make a 4½ hour gem.

Tokyo Story. Yasujiro Ozu's gentle masterpiece about life as transition and permanence, parents watching their children become parents, while the world changes and stays the same. Superb.

SK

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Crawford Woods on TV

The Best Is Bad Enough

From Harold Nicholson's diary:

> V. and I go round to the Beales where there is a Television Set lent by the local radio-merchant. . . . Compared with a film, it is a bleary, flickering, dim, unfocused, interruptible thing . . . but as an invention it is tremendous and may alter the whole basis of democracy.

Nicholson made this second note on the medium some years later:

> Only the BBC can teach the public to think correctly, to feel nobly, to enjoy themselves intelligently, to have some conception of what is meant by the good life . . . and yet [they] remain completely unaware of what we mean when we talk of the BBC's unerring instinct for the second-rate.

Hardly the same hopeful ring of the first entry; and it contains a charge that would have seemed senseless to me five months ago when I first wired myself into English television and figured I'd found the grail. Yet when I think what's on the tube elsewhere, I'm still not sure I haven't. Which brings clumsily into focus two questions: Is English television the best in the world? If not, what is?

Last March, an International Television Festival was held in Monte Carlo, while cable/cassette orgies were going on down the road in Cannes. I wasn't able to catch either in person, but ITV brought them both into my study a month later via a good program that wasn't quite able to answer its own title: "The Best Television In The World?" The report was the work of Michael Peacock, a veteran of BBC 1 and 2, and of ITV as well. In Monte Carlo he found scenes to suggest that international television, whatever that may be, is about as healthy as a center-shot puff adder: huge Orwellian chambers full of dozing men strapped by earplugs to a hundred screens (and these *were* bleary, flickering, etc.), listening to a drone of translators, watching things like Czech westerns or a documentary on Polish police dogs that walked off with the festival's "Golden Nymph" award.

There were flashes of grace. Italy got the Grand Prix for a film on da Vinci, England a Nymph of its own for "Gale Is Dead"—a truly harrowing BBC study of a drug addict. But most of the material suggested the witnesses had reason for their evident stupor. For every hint of imagination, like the Finnish film of a bottle committing suicide (don't ask for an explanation), there seemed to be two from the bottom of the barrel: a lugubrious Swedish opera, a German nightclub singer split into so many special-effects parts that you couldn't tell her face from a kaleidoscope. I don't recall seeing any American entries, though Raymond Burr was on hand, properly grave as chairman of the jury. A depressing business. Nothing here to waste the British claim to supremacy.

In Cannes, the situation didn't seem enormously better, though the subject matter in itself generated a bit more interest. Anyway, here you got two festivals for your money—the first for cable (MICAB) and the second for cassette (VIDCON). It doesn't much matter what these acronyms stand for—the television industry, trails such brand names like the tin cans on a wedding car.

The man with the word on the Cannes conventions was a hairy freak from Radical Software, a seminal alternative media clearinghouse in New York. "This is an unreal conference," he said, "these people don't know anything about anything." In fact they knew a lot, but it was all about, as the jargon goes, hardware: the fabulous burgeoning array of shiny new machines to record and replay video images off ½-inch tape, ¼-inch, reel-to-reel, fat and skinny cassettes, even discs.

But what goes *on* these things? The best answer at present seems to be that you can now—at the investment of a hellish amount of money for the gear and a fair clip for the item itself—have your very own *I Love Lucy* in a permanent library, to play again and again.

In other words, if the ITF was nothing more than a weary chauvinist display of the torpid daily fare of broadcast television worldwide, MICAB and VIDCON were meetings of businessmen trying to peddle form without content. Where was the vision of cable as a community bulletin board, a minority soapbox, a specialist's salvation? Of cassette as the repository of the greatest films and plays, of texts and training? Of VTR as a streetpeople's system? Of the entire range of literally revolutionary possibilities of the unmodulated video signal that comes through your wall on a wire instead of over the air, perhaps bringing with it one day a near-infinity of channels tapping a near-infinity of sources of wisdom and amusement, so that Bohr's model of the atom and 60 minutes, or hours, of good talk on it are as easy to get as the "news," whatever *that* is?

Already the questions are answered. Is English television the best in the world? No. What is? Something just beginning to exist, still searching out its forms and motive forces, something having little to do with the mass medium we now know.

To give credit where it's due, let me say that broadcast TV still shows signs of life where it is spiel-free (BBC), state-supported (much of Europe—but the risks here are obvious), or some combination of the two (public broadcasting in America, which makes valiant and often successful attempts at quality programming, though it is dangerously dependent on Congress and the foundations for its money). And even the commercial channels in the United States carry food instead of fodder, say generously, three percent of the time. But the fact remains that the only excitement at present in the medium lies elsewhere. With a sentimental parting bow to the BBC, let's take a last look at England, to see what's being done with alternatives here.

For a start, London boasts the largest educational closed-circuit television system in the world—over 1000 schools linked to a Battersea center that programs three channels 40 hours a week and makes a fourth available to universities. Though it principally reruns BBC and ITV material, it allows students room to do programs of their own.

A more remarkable development is the Community Media Van, which will be in service in some London districts this summer. Designed to penetrate to poor areas which cannot afford cable, the van will bring to the backstreets films, slideshows, and videotapes, and will make its self-contained production gear available to local groups—but not to any political party.

For those who can afford cable, a center

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has been opened in Greenwich, and five more are in the power of the Ministry of Posts & Telecommunications to grant. All these will be able to originate their own programming as well as reroute ordinary broadcast signals. How fully they will explore their potential is in doubt—it's so much easier and cheaper to use this lovely tool to spread the same old plague.

Yet neither of these possibilities—streetfront video teams and cable—are at anything like the same level of development in the UK as in North America, giving rise to the thought that the impoverishment of broadcast TV in the United States was so much more acute than in England that Americans were earlier forced to search for alternatives. In 1961 Harold Nicholson noted in despair, "There is a vast TV audience in America, and when the films have gone the rounds of the United States, they are sent over here and sold cheaply to the BBC." That's still happening and the BBC is mostly the worse for it. The BBC is probably still the best in the industry. But it's time to take another look at the art.

So Little Time

The Late John Marquand: A Biography

by Stephen Birmingham

(Lippincott; $10)

Nobody seems to read J. P. Marquand now. Twenty years ago, when *Point of No Return* appeared, he sold in the hundreds of thousands: *So Little Time* (1943) sold over 230,000 copies in hard covers alone. The Harvard of today may not be exactly the Harvard of Harry Pulham, where The Team could drop into the injured Bo-jo Brown's room the night before the Yale game and give three times three for Brown; the Boston brokerage house of E. P. Rush is probably not just what it was when Charley Gray started to work there; no doubt the Stuyvesant Bank in New York, where Charley eventually became a vice president, and J. T. Bullard, the advertising firm where Harry Pulham met Marvin Myles, are somewhat different now. Perhaps even Newburyport, where John Marquand carefully restored a house for himself on Kent's Island and Thomas Harrow of Marquand's last novel did over the "Saebury house" on "Johnson Street" is not quite the same as it was then. But Marquand hardly deserves to be ignored for that reason.

No one, in fact, would have been surer that such changes were coming than John Marquand, who so acutely felt the rapidity with which what we cherish disappears into the past that he had it determine the form of his novels, in which the past is made a living part of the present by the main character's continuous and detailed recollection of it. Marquand was sure the full consciousness of the person who understood his life was really like that, despite its appearance of fictional artificiality. He even goes to the trouble of signaling his readers that he for one thinks that fully perceived experience is more like fiction than not. In *Wickford Point*, for example (the same kind of thing happens in a number of other novels), the narrator and two friends are all novelists who constantly think of the Wickford Point the narrator is telling us about as the subject of a novel.

That Marquand's kind of novel is difficult to write in America was recognized as early as Hawthorne, who envied the ease with which Trollope seemed to be able to write it in England. How right Hawthorne was is evident from the small number of good novels of this kind we have produced: their scarcity is a measure of their importance for us. American society—as de Tocqueville long ago foresaw—maximizes the conflict between the idea of the individual's doing exactly what he independently decides is best for him and the idea of a mode of behavior determined on by the majority and more or less imposed on resisters. This problem is dodged by the novel about the individual who seeks to know his private self alone, as if this were the whole duty of man; it is also dodged by the less common kind of novel in which the hero is completely fulfilled by the life of the hive (that is, the party, the trade union, the college class). Marquand's kind of novel faces this problem squarely.

"People," Marquand's contemporary James Gould Cozzens once observed, "get a very raw deal from life . . . [but] life is what life is." ". . . you've either got to take to the woods," as Marquand put it, "or get in there and play by the rules that are laid down. I think the happiest people are those who are doing something." This is not, of course, to say they have perfectly satisfactory lives. Marquand so clearly says they don't that some critics have missed the complexity of his feelings about "conformist" characters like Harry Pulham, who for all his foolish, honorable trust in his old friend Bill King is a far better man than King, or like Charley Gray, who for all his conventionality sees far deeper into the life of his times than the brilliant Malcolm Bryant.

Marquand knows that, in moments of depression, Charley and Nancy Gray feel they have got themselves on a treadmill that has carried them past the point of no return. "Maybe it isn't much but it's all we have," Nancy says bitterly of their life, because it is as clear to her as it is to anyone how easy it is to reduce a conventional struggle like theirs to win the vice-presidency of the Stuyvesant Bank for Charley to something cheap and corny—"The little woman kissing her husband good-by. . . . Good-by, darling, and don't come back to me without the vice-presidency of the trust company." Marquand's heroes sometimes feel this is the whole truth. But more often they feel as Nancy did when Charley woke her up to tell her that Tony Burton, the president of the Stuyvesant, had asked him to call him Tony. "Nancy sat bolt upright in her twin bed. 'Start at the beginning,' Nancy had said. 'Exactly how did it happen, and don't leave out

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anything.'"

It is people like Charley's father, John Gray, (and like Marquand's father) who gamble with life until they lose everything, for no better reason than that—as John Gray says—they like what they are doing and don't want to stop. People who thus refuse to play by the rules frequently get away with it for a long time by being charming, as—again—did both John Gray and Philip Marquand. But when the time to pay arrives, they duck out, if necessary like John Gray by committing suicide, an act as selfish as it was in its way brave, since it left the mess he had made of life for some one else to clean up.

One could certainly tire of sacrificing one's own desires, as Charley Gray sacrificed his chance for Jessica Lovell, to clean up messes left by others; but maybe, as people in Clyde said, this way of acting was the way to make things come out right in the end—if marrying Nancy and becoming vice president of the Stuyvesant Bank was having things come out right in the end. Charley is far from sure of that, either. When he learns he has won the vice presidency, he feels that "it had its compensations but it was not what he had dreamed." But he knows the dream is not only impossible but now, even after so little time, undesirable. He had recently gone back to Clyde and seen his boyhood friend, Jackie Mason, who had stayed home and won all the rewards—including Jessica Lovell—Charley Gray might have won if John Gray had not lost them all for him. At the end of that day in Clyde Charley had sat in his room at the Clyde Hotel and felt that "he wanted to call up Nancy. He had never wanted so much to speak to anyone." When he gets her they talk about how Bill has got hit in the mouth by a baseball and the man has not come to fix the roof. "Well, never mind," Charley says. "How about the Buick?" "And Charley," Nancy says, "I didn't really mean what I said—about it's not being much but it's being the only thing we had. It was a silly thing to say." But it was silly only because it *is* the only kind of thing they or anyone else ever can have; and most of the time it is enough, "even if it was not what [they] had dreamed."

There is nothing sensational about what Marquand's novels have to tell us, but it pervades his novels like an atmosphere, the feel of a world that consists in a continuous and astonishingly delicate balance of sympathies for the private impulses and the public commitments of the characters. It is the beautifully observed and vividly experienced world that matters in Marquand's novels. "The way to learn about Clyde," Charley Gray thinks, contemplating Malcolm Bryant's ingenious stupidity about it, "was to be brought up there." (Malcolm Bryant is Marquand's portrait of Lloyd Warner who, in *The Social Life of a Modern Community*, made exactly the kind of unlived analysis of Newburyport that appalled Marquand.) Marquand's main object is to realize a world for his readers to live in. There is no beating this kind of novel when it succeeds. Nothing—no thoughts and feelings *about* a world, no general theory of life—is quite so significant as an image of the world itself.

Marquand has probably suffered

A Retrospective

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from lack of publicity. The best thing ever written about him is Philip Hamburger's 20-year-old *New Yorker* profile, large chunks of which are copied almost word for word by Mr. Birmingham, without acknowledgement. It looks as if Mr. Birmingham had used what people have told him about Marquand with the same literalness. Books written this way can be entertaining; Mr. Birmingham has collected lots of funny stories, like the one about Sinclair Lewis' getting tight and urging Marquand to come to Detroit with him —"We'll disguise ourselves as waiters and get jobs in some joint. Will you, John? What do you say? Detroit! Waiters! How about it?" This is amusing, though what it contributes to our understanding of Marquand is not very clear.

But a book written this way is much less reliable than it need be, and its view of its subject is more or less accidently determined by who happened to tell the writer about what. Mr. Birmingham's most conscientious informant, for example, was Carol Brandt, who was for a considerable period Marquand's mistress. Mrs. Brandt has her own conception of life and she was naturally more interested in her own experience than in Marquand's. As a result Mr. Birmingham's book, for long stretches, reads more like her biography than Marquand's and abruptly takes on the tone of the capable, sophisticated New York woman who is determined to be very, very civilized about everything. This is far from Marquand's tone, or Mr. Birmingham's in the rest of the book.

There is no sense in being hard on Mr. Birmingham about all this. He set out to write an easy, entertaining, secondhand book, and—except for some clumsy writing (he is much addicted to sentences like "Raised in suburban New Jersey, . . . she had attended Barnard College"), he has succeeded. But it is difficult not to feel disappointed that this first biography of Marquand should do so little for him or us. You keep wondering what a study of the novels with the kind of penetration Granville Hicks brought to them 20 years ago would do for us, what a study of the life with a knowledge of the letters and papers that must survive—none of which Mr. Birmingham seems to know about—and of all the important witnesses he ignores (for example, Marquand's novelist son John) would. It is tantalizing to know that Marquand always worked close to his own experience, that—for example—Polly Fulton of *B. F.'s Daughter* and Emily Harrow of *Women and Thomas Harrow* are both portraits of Marquand's second wife, Adelaide, and not to know enough about her to compare the actual woman with these characters.

Marquand is not one of the great novelists, not any Jane Austen or even a Thackeray or a Trollope. But merely good novelists of his kind are rare and valuable in America and Marquand is a good one. He deserves better than has yet been done for him.

Arthur Mizener

Abbot and Cellaress

Private Faces/Public Places

by Abigail McCarthy

(Doubleday; $8.95)

Abigail McCarthy's accomplishment in her study of her life with Eugene is very great. It is a sensitive, delicate, undogmatic, cool testimonial to the truths which most women in the liberation movement have been declaiming with much heat and only occasional concern for the sensibilities of either sex. Written with admirable reserve and taste, it suffers at times from too many details, too dogged and strict a chronology of un-events and insignificant details of what-we-did-next, but fortunately the tone—dispassionate, unself-pitying—covers these faults.

For Abigail McCarthy is a remarkable woman, one who does not seem to realize her own prime quality. This is poignantly apparent on the last page of her book. Looking back at her life with her husband, after he has left her, she is able to write: "I do not regret that for thirty years, in the words of Simone de Beauvoir, 'I spontaneously preferred another existence to my own.' I think I am a much richer person for having shared that existence and because of the sharing that my own existence developed dimensions otherwise outside its scope."

This admission forces one back through these pages—in wonderment—to discover how this unembittered acceptance could have come about. Her story details the steady progression of her life, from the start of her relationship with Gene and not, as one might have expected, from her own earliest life which is given no space here. Knowing Abbie about a year and after asking her to marry him, he then told her he "felt called to be a priest." Because she was a deeply believing Catholic she did not protest what she took to be the will of God, not even (one reads with some astonishment) when "he proposed very tentatively that I might consider entering a convent." Of course she didn't, of course he came out of the seminary and, years after their first encounter, they married and began life together on a farm in Minnesota on a pattern just then being developed by the Catholic Rural Life Movement. The primacy of their faith was such that, after Gene's first election to Congress, they both became lay members of the Benedictine Order. Together with their other vows as oblates, the pattern that was to determine the shape of this educated, intelligent, selfless woman's life, is formed from the Rule: "The husband is the abbot; the wife the cellarer—both with great responsibilities for the community."

In these early years their effort was to involve themselves with their community in order to carry out their rural life mission. For Abigail, even then, it had its problems of separation and aloneness:

> Our hope to be part of the community gave Gene a perfect excuse to play baseball with the home team—if he needed an excuse. I knew how much he loved it. Still, I preferred lonely Sunday afternoons to following the team. I felt a stranger among the other wives, but more than that—Gene on the baseball diamond turned into someone I

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did not know, it seemed to me.

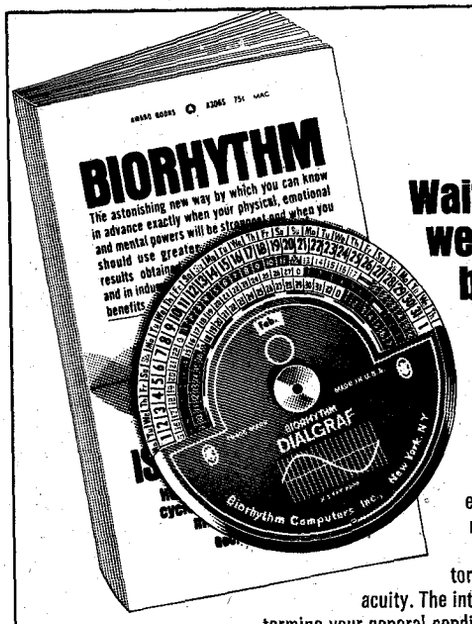
Abigail the cellaress, accepted her supportive role, but even this was uncertain. As housewife and mother she was often fearful of giving "a bad family image," and "hurting Gene's career." In ten years she had four babies, participated in five campaigns, and worried enough about the tone of her campaigning husband's caustic wit so that her anxiety amused him: "There you go again, twisting your hands under the table," he would say to her.

As a college instructor, "judgmental"-minded Eugene told Abbie of a plan "for exposing false teaching at the University . . . in the interest of what is 'true and right.'" Once when election returns seemed to be going against him he suggested prayer to his campaign workers, and they all fell to their knees. He brought to his politics all the sense of vocation of the spoiled priest, while at the same time Abbie learned the cost of being a political wife. Eugene wrote:

> It is important that a clear sense of vocation be developed by Christians and Christian leaders. The general significance of calling or vocation does, of course, still exist today. Two things, however, have occurred which weakened its effect. On the one hand, its meaning has been so generalized that it has come to have little significance for individual Christians: on the other hand, where its meaning remains specific, it has been restricted in application to the calling to the priestly, the religious life. Actually this loss of the awareness of vocation is another subtle manifestation of the secularization of our society.

While Eugene was theorizing about the sense of vocation for political figures, he did not look upon his marriage in the same way. Abbie found herself wondering: "If his vocation was to politics, and marriage was not a vocation, what was my vocation? The whole question of woman was then latent in our lives."

Latent, yes. There are no complaints, no outrage expressed here. "The fragmentation of self," of which she is often only partly conscious, seems to have come from the pull that being a "political wife" exerted on her primary vocation of wife and mother. "The mainstream of my life," she writes, "has been to be the wife of an involved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man with four involved children." Willing to bury all memory of what she had once been—a writer, college teacher, reviewer—under the belief that "I did not want a career of my own," she was still aware that "the congressional husband and wife begin to lead separate lives." The deeper her husband's political involvement the more she found sympathy for Eleanor Roosevelt's rueful view of the seeming importance of dinners and society contacts: "I can only explain it," wrote the former First-Lady, "by the fact that, as far as I could see, they were the only connection I had with the work my husband was doing."

As Abigail McCarthy moves closer to the book's natural climax—the presidential-primaries campaign and the Chicago Democratic convention of 1968—she becomes more and more a willing penumbra to the figure of Gene. Perhaps I am passing over a number of important matters when I fasten upon the facts and suggestions of her "role" in a political man's life, matters such as her knowledge of Teddy Kennedy's visit to Gene when his brother Bob declared his own candidacy, her views on the personal style and modus operandi of Lyndon Johnson, her account of the funeral of Martin Luther King, and so forth. But, with what I suppose must be acknowledged to be clear bias, I see this book as a strong addition to the sagas of modern women's lives (Lillian Hellman's *Unfinished Woman,* Joseph Lash's *Eleanor and Franklin* and Nancy Milford's *Zelda)* which are now providing us with hitherto classified insights into minority sociology and psychology. Abigail McCarthy's acceptance of her position is quiet and unspectacular, yet what we are able to sense of her inner response to her choice in life reads almost like the half-obliterated lines of a palimpsest:

> In politics a man rides on appearances as surely as an actor does . . . . His wife's behavior is part of the appearance to be maintained.

and

> Happily, I found that although I had been deeply troubled about the course Gene was proposing to take in the months prior to his announcement, I had absorbed through my skin (one might say) his reasons for doing so. In this moment of truth, I found that I could give these reasons convincingly, for I had made them my own.

and

> It seemed to Gene all that summer that we were simply going through the motions. Going through the motions is easier for a woman than for a man since so much of a woman's life is spent in largely meaningless ritual, in support of causes and people she never really can question.

She writes a newsletter to the women back home in Minnesota about her life in Washington, the Washington staff is jealous of its success, misrepresents her to Gene, Gene is amused at their reaction, but to Abbie "if, when we first fell in love, I had meant new life to Gene, he had meant love and perfect friendship in one person. Loyalty and dedication had been prized ideals to me. . . . I had believed Gene the epitome of these ideals. . . . I had assumed perfect openness and trust. His attitude now, typically masculine though it was, was shattering to me. Nothing later was such a blow." So she retreats from an active, intellectual role in his work and "by the time of Gene's second run for the Senate, my participation in the actual political life at home was almost entirely of (a) peripheral nature."

The 1968 campaign found her pushed into an exhausting and unrewarding limelight in which she played a passive, staged part: "I blindly accepted things as they came along. I had little or no way of seeing an over-all pattern and was seldom briefed for any occasion."

Even with all this, one is unprepared for the first sentence of the epilogue: "Gene left our home in August 1969." One should not have been. During the quiet but inexorable heaping up of evidence, writing of 1945 and of early friends, a New York writer and his wife, she remembers:

> We were made uneasy, too, by the tension which seemed to exist between him and his wife. It was the first time I had seen the bewilderment of a woman who had left a secure and ordered existence to

Oh There You Are!

China oh there you are hello how are you all?
How is your chow mein? ping pong? Great Wall?

And Russia dear Russia hi there you lovely vodka bear
How is your Tea Room? your Party? your Red Square?

And hail Poland all hail your sausages and bran
And hail our friend and teammate brave Iran

(hi Shah)

Hail and it was swell of us to drop in and confer
Swell of us to bring you peace and Kissinger

And so upon departure we thank you from our heart
For the caviar and pandae and a la carte

We leave you
ciao

Salute you
ugh

And head back to carry on the way we always do

OM
bomb bomb
OM

REED WHITTEMORE

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follow a man on a quest of his own seeking, to live as he decreed, to bear his children, and then to find herself his enemy just because she had done those things.

That she is able to end such a profoundly personal history with no recriminations and all personal hurt seemingly obscured ("I have found life unfailingly interesting; I believe it has meaning") is a tribute to the person she is. Without intending to, the cellaress, for those of us who read her book, has taken on much of the stature and authority of the abbot.

Doris Grumbach

In Brief

Journalism and Government by John Whale

(University of South Carolina Press; $4.95)

John Whale wishes to preserve the ascendancy of reason and the integrity of the word, and he conceives that journalists as a whole share his wishes. He also imagines that in cases where journalists are "ignorant, inaccurate, partisan even in presenting fact, negligent of the serious, tenacious of the trivial [and] greedy of bad news," the academics will come to the rescue by *studying* the journalists and pointing out their faults. In short, Whale seems a bit of a utopist; his considerable experience first in TV and then in the press has not kept him from sounding more like a teacher than a working journalist. Yet his account of the functions of journalism is comprehensive and well-balanced; he is particularly good—perhaps because he is writing with a British view—on the uses of the press within, rather than as watchdog of, establishments: "The most industrious readers of newspapers now . . . are people in the industry of government—ministers, MPs, civil servants, service chiefs; and those people open their papers each morning not so much to see whether the governed are restless on the other side of the wire as to see what is being done in other corners of the same industry—foreign governments, friendly or not, unfriendly powers, outside the state or in it," and so on. In other words news organizations, though not an arm of government, are an "indispensable instrument of government." Whale gives many instances of their continuing instrumentality in bringing opposing forces to the attention of each other, but his chief contemporary case is Northern Ireland where, he feels, the IRA's irrationality has been matched by the government's, and journalists have been the few effective go-betweens.

Samuel de Champlain by Samuel Eliot Morison

(Atlantic/Little, Brown; $10)

One of America's indefatigable historians, Rear Admiral Samuel Eliot Morison (USNR-ret.) has ranged all through American history in textbook efforts to enlighten disgruntled schoolchildren, and he has also performed as a sort of adjutant among historians in the vast collective labor of reducing warehouses of military documents to sense (he produced as a result a 15-volume naval history of World War II); but his primary intellectual and emotional attentions have always been reserved for a few great sailors out of the past, notably Columbus, John Paul Jones and now Samuel de Champlain. Morison is himself a sailor, with New England waters as his home territory, and he loves all manner of nautical lore. His attraction to Champlain, going back, he tells us, to 1904, seems to have been built of a number of qualities in the man—Champlain was a magnificent sailor, a literate and industrious journal-keeper, and an unusually humane colonizer; but perhaps most of all he was a charming captain-pedagogue—charming at least at this distance—who was never without advice on how to do it, whether doing it entailed keeping the cannon balls in good order, or "being careful night and morning above all else to have prayers

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NOTES ON CONTRIBUTORS

CRAWFORD WOODS, *former TV critic for* The Washington Post, *will soon be returning to the US, completing six months of observation of British TV.* ARTHUR MIZENER *authored* The Saddest Story, *a biography of Ford Maddox Ford (World). Author* DORIS GRUMBACH *teaches English at the College of St. Rose.*

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said." Champlain's own 25-page "Treatise on Seamanship and the Duty of a Good Seaman" is included in this volume as an appendix, having been translated by Morison himself in his teaching days at Harvard. It delighted him and his "young sailor" students then, and it delights the reader now, with its mixed moral and technical instruction: the captain "should not be dilatory in striking sail when he sees a big wind gathering on the horizon"; "he should not allow himself to be overcome by wine; for when a captain or a mariner is a heavy drinker it is not well to entrust him with command or control, owing to accidents which may happen while he is sleeping like a pig"; "he should not be dainty about eating or drinking, adapting himself to localities in which he finds himself"; "he must know how to draw, in order to be able to make an accurate chart . . . [whereon] also might be shown the birds, animals, fishes, trees, plants, roots, medicinal herbs, fruits, dress of the peoples of all the foreign countries, and everything worthy of remark that may be seen or met with."

Everything worthy of remark that may be seen or met with!—a good rule for a historian as well as chartmaker, and a rule that Prof. Morison has himself obeyed. He is of an old school, committed both to the integrity of each detail (he hokes up no undocumented childhoods, no imaginary dialogues) and to rendering the whole with grace. He knows well the St. Lawrence and the surrounding territory that Champlain was instrumental in exploring, charting, opening up, and his heart as well as his mind is in this biographical adventure ("Woe, woe to those who would ruin Penobscot Bay with an oil refinery or other abomination!"). There are other kinds of history that provide greater sweep, but they can never successfully supplant the nautical man's sharp eye and respect for life's daily weather.

George Sylvester Viereck
by Niel M. Johnson

(University of Illinois Press; $9.95)

In 1942 George Sylvester Viereck was tried and convicted of violation of the Foreign Agents Registration Act. He had been receiving money from the German government for propaganda activity in behalf of Germany, and had failed to report his connections completely. In WW I he had been similarly active, but no trial occurred; he was merely suspended from the Poetry Society of America! Between wars he was an indefatigable editor and writer of books and magazine articles. He knew Teddy Roosevelt (but TR turned him off in WW I), the Kaiser, Colonel House, Sigmund Freud. He was a flamboyant intellectual whose long-term efforts to promote the solidarity of German-Americans in this country put him sometimes in the arms of the country's isolationists, sometimes in the arms of the enemy. His conviction in 1942 was reversed by the Supreme Court but he was retried and found guilty again, staying in prison until 1947. He emerged to write a couple of novels and his memoirs, and died in 1962 after having confessed (to his son Peter) regret over his "Nazi interlude." A fascinating figure, he deserves to be studied from the inside but his biographer apparently had no access, except in a few conversations with son Peter, to the inside; so this is a limited book based mostly on the public writings of Viereck and the newspaper accounts about him. It is efficient, straightforward and well-documented, but colorless—one suspects because it began as a doctoral thesis. To the author's credit the book does not get in the way of its materials, but it would have been improved by the inclusion of samples of Viereck's own prose.

Correspondence

Danilo Dolci Tour

Sirs:

1972 marks twenty years since Danilo Dolci first took up his work in western Sicily. His use of nonviolence and direct social action in attempting to deal with problems of exploitation and apathy has had important results and has attracted world-wide attention. Dolci has recently been nominated for the Nobel Peace Prize.

Dolci will visit the United States from September 26 through October 15. He will be in the midwest from October 1 through October 7, in the East before and after that time. Invitations for him to appear before campus or community groups are welcome. Previous tours have aroused increasing interest in his work and in its applicability to pressing problems which face our own society. The tour is sponsored by Friends of Danilo Dolci; inquiries should be addressed to the Chairman, Professor Alfred McClung Lee, 100 Hemlock Road, Short Hills, New Jersey 07078 (201) 376-8232, or to Ms. Joan Simon, 7 Gracie Square, New York, New York 10028 (212) 288-0756.

Sumner M. Rosen
New York City

Rural Development

Sirs:

Rural development is an important issue both for national politics and for intellectual debate. Geoffrey Faux, in "Developing our Rural Colonies," (*NR*, May 20, 1972) deals with both sets, but in the process arrives at perhaps too simplistic solutions.

Mr. Faux, rightly we believe, criticizes present administration and proposed Democratic programs for rural development on the grounds that they simply extend previous programs which have proven largely ineffective. His three substitute proposals, however, also have serious defects. His first proposal, to encourage local ownership and cooperatives rather than absentee-owned corporation relocations, may sound good ideologically, but much depends on the quality of local entrepreneurship and on what can be produced or sold. If loans are made to finance local businesses which are to become part of a locality's export base and thus to compete with already established businesses in regional and national markets, they would probably represent money wasted. Such local owners would have to be very well-trained and -financed in order to withstand the competition. Some few may make it, but most would probably not survive.

His second proposal, to put industrial locations under public licensing and control in conjunction with local economic development plans has merit, but is not likely to be implemented, at least in the immediate future.

His third proposal, to deal with "hard-core rural poverty [by providing] public service jobs in health, education and environment," again may appeal to liberal fancies, but the scope for relieving a very significant proportion of rural

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poverty in this way is severely limited by practical considerations. Most demand for increased public services is in areas of higher population density, not in rural areas. Furthermore, unmet needs can be filled in most cases only by individuals with a certain amount of technical training and skills. Few of the rural poor qualify for the types of jobs required to meet health-care needs or to improve education.

The suggestions offered by Mr. Faux, therefore, seem little better than those he rejected. In fact, a future for rural development appears bleak unless consideration is given to the proposal he previously rejected, namely enticing absentee-owned corporate branch plants into rural areas while simultaneously attempting to improve their performance. Contrary to the views of Mr. Faux, such firms can make a contribution to the leadership of local communities, and can assist them in development.

For instance, many rural communities do not respond aggressively to opportunities offered to participate in government programs, sometimes because of lack of local expertise for making grant applications, sometimes because of the lack of local resources to provide "matching funds," and sometimes simply because of inertia. Bringing in a new elite to challenge the old power base can and does in some instances spark community development.

Recent research indicates that new industries, especially those which are branch plants of the largest corporations, often presage the development of local, public and private services. Counties in which such plants locate are more likely to move ahead in a variety of ways in contrast to those without such plants.

Although, as Mr. Faux rightly observes, not all jobs in such plants go to local people, and especially not to rural poor people, the staff brought in from outside is frequently not satisfied with things they find in the rural communities. Through their status and expertise, however, they can and apparently do initiate changes. One direct effect is their demand for wider ranges of opportunities in local education systems. In addition, they can provide technical assistance for applications to state and federal aid programs of all kinds, as well as help create demand for and provide assistance in achieving more adequate public services such as better health care facilities. In any case, there is little evidence to suggest that local citizens are made worse off (except in terms of increased taxes for such better facilities, but that is part of the "modern age"), and they do gain these indirect benefits.

Moreover, larger firms also tend to attract smaller firms to an area. Some of these provide specialized services primarily to the larger firms, while others provide services to the people attracted to a locality by the new "complex." Both sets of service firms enable people to "buy locally" and thus contribute to community "multipliers," and, in fact, provide at least some opportunities for local entrepreneurships. Federal investment in this type of local ownership may, therefore, be quite wise. The net effect of such local business growth, even if induced from absentee-owned firms, is to provide more job opportunities for more segments of a local population than they would otherwise have. In addition, more convenient access to a greater number and better quality of differentiated services, even drug stores in a shopping center, certainly contributes incrementally to a better life for a local population.

Of course there are risks involved with large branch firms. If they decide to pull out, they can wreck a community. For this reason, we agree with Mr. Faux that some control should be exercised over the entry and exit of firms. Like the Canadians, who have been forced to deal with the problem of economic dominance by foreign firms, rural people should attempt to maximize the gains and minimize the losses by appropriate restraints.

Paul R. Eberts,
Kenneth L. Robinson

MR. EBERTS *is associate professor of rural sociology and* MR. ROBINSON *professor of agricultural economics at New York State College of Agriculture and Life Sciences.*

Tax Remedy

Sirs:

Robert Dietsch makes some reasonable points in regard to "loophole" closing in his article "Knowing a Loophole when You See One" (May 27, 1972), especially in regard to cutting back on depletion allowances and intangible drilling costs. Certainly a gradual cutback is unlikely to cripple the industry or lessen its activities. However, figures and statistics can be stated to explain almost anything. For example:

1) Many corporations paid no taxes because they actually lost money or

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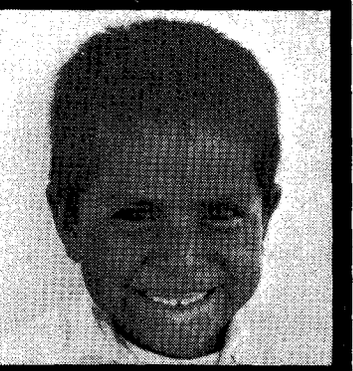

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had loss carry-backs or loss carry-overs. Many would have been delighted to pay.

2) It is unlikely that any retroactive action could or would be taken in regard to tax-free bonds *now* in circulation. To change this law would require higher interest costs on the part of states, counties and cities and an eventual greater sales tax, property tax rate, etc., thus, merely shifting burdens.
3) Making capital gains taxed at more than 50 percent would not necessarily increase revenue. People wouldn't sell. Capital gains at death could be confiscatory. If you figure 50-70 percent capital gains tax and 30-50 percent estate tax (plus costs), there is an estate of zero left. Could this not destroy incentive, risk capital and (to use a dirty word) capitalism itself, and bring us closer to a totalitarian 1984 type of government control of everything? Who would be left to initiate and follow through? Certainly our governmental processes, federal, local or state, haven't shown any flair for efficiency.

Realistically, isn't the problem too much money for war and so-called "defense" and such national prestige programs as space travel and SST, all to the detriment of education, training and retraining, health programs, etc.?

Robert C. Coplan
Cleveland, Ohio

Kauffmann, *from page 24*

such a way that the sheaths are rubbed off *by themselves* and we see the deepest currents that make them what they are. Yet, in this play as in *The Sea Gull*, much of the spiritual agony and social waste comes from the simple fact of unrequited love. If Astrov loved Sonia, if Nina loved Treplev, those two plays would have entirely different endings. At first, this may seem like plot mechanics: girl does not get boy or vice versa, the author decrees, so that we can have a play about suffering. But one sees that what this master is really saying is: a society in which the caprice of love, the roulette of sexual attraction, is the determinant of one's fulfillment, is specious.

In three days I've seen three films of the kind They Don't Make Any More. I don't mean the slick product of the old Hollywood factory: I mean the factory *second*, the patchwork film that got bungled halfway through, was story-conferenced apart and together again, re-shot and re-edited. The first slick kind may have been corn, the second was only cornography.

Lady Liberty (United Artists) stars Sophia Loren, who is married to Carlo Ponti, who produced it. He has presented her lately in *The Priest's Wife*, *Sunflower*, and now this. She should certainly sue him for nonsupport.

This started as a comedy about an Italian immigrant (Loren) who refuses to surrender a mortadella (pork sausage) that she wants to bring into the US for her fiancé. A newspaper reporter overhears the fuss, capitalizes on it, then he and a customs guard become her fiancé's rivals for her hand. One of them gets more than that.

I've rarely seen a picture that stopped and began so many times, in which characters changed character so often, as new ideas were tried in attempts to salvage matters. It's misery, because one watches the unbelievably beautiful Loren, with her adequate acting ability, attempting to give sequence to scenes made of hippity-hop rabbit-tracks. And one watches this film, directed by the man who made *The Organizer* and *Big Deal on Madonna Street*, Mario Monicelli, muttering dark glooms about the Fall of Man.

Red Sun (National General) is a Western, through much of which Charles Bronson, a gunman, is riding side by side with Toshiro Mifune, a samurai in full regalia, across the plains and hills in pursuit of Alain Delon, a New Orleans gambler-bandit. Capucine and Ursula Andress, as madame and courtesan, are encountered. As I watched Mifune battle cowboys and Comanches with the swordplay of *Yojimbo*, I foresaw the suki-yaki Western replacing the spaghetti Western, which may become a thing of the pasta.

Skyjacked (MGM) plays, not fast but rather loose, with a serious contemporary headache. Charlton Heston is at the helm, so you know the plane won't blow up or crash, alas.

All these films are modish in their sexual permissiveness, and *Skyjacked* even has a little pot. But all of them are very old-fashioned movies of an anachronistic type. In the old days, pictures like this were inevitable as part of the price of mass-production. Now we are getting factory rejects without the factories.

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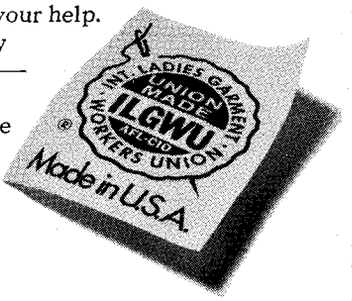

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